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STATEMENT OF INFORMATION

HEARINGS

BEFORE THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

SECOND SESSION

PURSUANT TO

H. Res. 803

A RESOLUTION AUTHORIZING AND DIRECTING THE COMMITTEE
ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT
GROUNDS EXIST FOR THE HOUSE OF REPRESENTATIVES TO
EXERCISE ITS CONSTITUTIONAL POWER TO IMPEACH

RICHARD M. NIXON

PRESIDENT OF THE UNITED STATES OF AMERICA

BOOK XI

BOMBING OF CAMBODIA



MAY-JUNE 1974

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FOREWORD

By Hon. Peter W. Rodino, Jr., Chairman,
Committee on the Judiciary

On February 6, 1974, the House of Representatives adopted by a vote of 410-4 the following House Resolution 803:

RESOLVED, That the Committee on the Judiciary acting as a whole or by any subcommittee thereof appointed by the Chairman for the purposes hereof and in accordance with the Rules of the Committee, is authorized and directed to investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach Richard M. Nixon, President of the United States of America. The committee shall report to the House of Representatives such resolutions, articles of impeachment, or other recommendations as it deems proper.

Beginning in November 1973, acting under resolutions referred to the Committee by the Speaker of the House and with a special appropriation, I had begun to organize a special staff to investigate serious charges against the President of the United States.

On May 9, 1974, as Chairman of the Committee on the Judiciary, I convened the Committee for hearings to review the results of the Impeachment Inquiry staff's investigation. The staff began its initial presentation the same day, in executive session, pursuant to the Committee's Impeachment Inquiry Procedures adopted on May 2, 1974.

By June 21, the Inquiry staff had concluded its initial presentation.

On June 25, the Committee voted to make public the initial presentation including substantially all of the supporting material

presented at the hearings. The Committee also voted to make public the President's response, which was presented to the Committee on June 27 and June 28 in the same form and manner as the Inquiry staff's initial presentation.

Statements of information and supporting evidentiary material were compiled by the Inquiry staff in 36 notebooks and furnished in this form to each Member of the Committee. The notebooks presented material on several subjects of the Inquiry: the Watergate break-in and its aftermath, ITT, dairy price supports, domestic surveillance, abuse of the IRS, and the activities of the Special Prosecutors. In each notebook a statement of information relating to a particular phase of the investigation was immediately followed by supporting evidentiary material, which included copies of documents and testimony (much already on public record), transcripts of Presidential conversations and affidavits.

The staff also presented to the Committee written reports on President Nixon's income taxes, Presidential impoundment of funds appropriated by Congress, bombing of Cambodia and government expenditures on President Nixon's private properties at San Clemente and Key Biscayne.

Book XI contains the staff's report on the bombing of Cambodia.

Every effort was made to preclude inferences in the presentation of this material. A deliberate and scrupulous abstention from conclusions, even by implication, was observed.

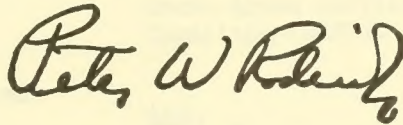
In a few instances, Ranking Minority Member Mr. Hutchinson and I determined, pursuant to authority granted to us by the Committee, to defer the release of evidentiary material or to delete it because the information was classified.

The Committee on the Judiciary is working to follow faithfully its mandate "to investigate fully and completely" whether or not sufficient

grounds exist to recommend that the House exercise its constitutional power of impeachment.

I believe that the readers of this volume will see that the Committee's primary effort in carrying out its mandate has been to obtain an objective, impartial presentation which will enable each Member of the Committee to make an informed judgment in fulfilling his or her constitutional responsibility.

I also believe that the publication of the record of these hearings will provide readers with a clear idea of the particulars of the investigation and that the proximity of the evidence will assure them that no statement of information is offered without supporting evidentiary material.

A handwritten signature in dark ink, appearing to read "Peter W. Rodino". The signature is written in a cursive, flowing style with a large initial "P" and a stylized "R".

July 1974

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STATEMENT OF INFORMATION CONCERNING BOMBING OF CAMBODIA

I N T R O D U C T I O N

This staff report is designed to enable the Committee to assess the allegation that the President and other Administration officials misrepresented to the Congress the facts concerning the bombing of Cambodia by the United States Air Force during 1969-1971.

The staff's investigation focused on the initial decision to bomb Cambodia; the scope, extent and duration of the bombing and the various types of bombing missions; the system of reporting and recording the bombing used internally within the military chain of command and the Administration; and the statements concerning the bombing made by Administration officials to Congress and the public during the bombing and after it ceased.

In preparing this report the staff reviewed all known sources of information on these subjects, including Congressional testimony, classified documents made available by Congressional committees, and reports of public statements by the President, civilian and military officials of the Defense Department, and State Department officials.

This report does not analyze, nor is it intended to suggest any conclusions. It is purely factual. It is divided into seven parts. Part I presents a background summary of diplomatic relations between the United States and Cambodia from May, 1965 through 1973. Part II sets forth the facts regarding American bombing of Cambodia from January 20, 1969 through August 15, 1973. Part III presents the

NOTE: This memorandum was presented to the Committee on the Judiciary by the Impeachment Inquiry staff on June 21, 1974, during the staff's initial presentation of evidence regarding the matters under investigation by the Committee pursuant to H. Res. 803.

facts concerning the reporting of bombing strikes in Cambodia from March 17, 1969 to February 17, 1971.

Part IV provides a summary of statements regarding American bombing in Cambodia made by the President and Executive Branch officials from March 4, 1969 through July 16, 1973. The latter date is the one on which Secretary of Defense Schlesinger formally admitted to the Senate Armed Services Committee that bombing had occurred in Cambodia prior to the May 1, 1970 incursion by American ground combat forces. Part V sets forth the post-July 16, 1973 statements of the President and other Administration officials in response to both Congressional inquiries and the public queries concerning the pre-incursion bombing of Cambodia.

Part VI is an Appendix and Part VII presents an index of sources utilized during the staff's preparation of the report.

Part VII contains evidentiary material cited in the footnotes of the report.

Part IX contains supplemental material concerning the bombing of Cambodia submitted to the Committee on July 15, 1974.

I. BACKGROUND

In May, 1965, Cambodia severed diplomatic relations with the

^{1/} United States. Prince Sihanouk charged repeated violation of the Cambodia borders by American forces in South Vietnam. In a letter of April 17, 1969 to Prince Sihanouk, President Nixon stated that "in conformity with the United Nations Charter, the United States of America recognizes and respects the sovereignty, independence, neutrality and territorial integrity of the Kingdom of Cambodia, within its present frontiers."^{2/} On July 2, 1969, the United States and Cambodia announced the resumption of diplomatic relations at the level of Charge d'Affaires.^{3/} On July 27, 1969 Henry Cabot Lodge, Chief American negotiator at the Paris peace conference, informed the 27th Plenary Session of the Paris meetings that the United States respected the independence and territory of Cambodia under the terms of the 1954 Geneva Accords on Cambodia.^{4/}

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- ^{1/} President Nixon Announcement of Intention to Nominate Emory Coblenz Swank to be Ambassador to Cambodia, July 14, 1970, 6 Presidential Documents 937.
- ^{2/} Foreign Broadcast Service, Daily Report, April 17, 1969, CIA Publication HL H2.
- ^{3/} President Nixon Announcement of Intention to Nominate Emory Coblenz Swank to be Ambassador to Cambodia, July 14, 1970, 6 Presidential Documents 937.
- ^{4/} Department of Defense Morning Press Briefing, July 20, 1970, on file with Defense Department.

On March 18, 1970 the Government of Prince Sihanouk was overthrown and a new government was established under the leadership of General Lon Nol.^{5/} At a news conference on March 21, 1970, President Nixon stated, "[W]e respect Cambodia's neutrality. We would hope that North Vietnam would take that same position in respecting its neutrality. And we hope that whatever government eventually prevailed there, that it would recognize that the United States' interest is the protection of its neutrality."^{6/} Secretary of Defense Melvin Laird advised the Senate Armed Services Committee on May 12, 1970, that the United States hoped Cambodia would maintain its neutrality.^{7/} Diplomatic relations between the United States and Cambodia were upgraded to the Ambassadorial level on September 1, 1970.^{8/}

^{5/} President Nixon Announcement of Intention to Nominate Emory Coblentz Swank to be Ambassador to Cambodia, 6 Presidential Documents, July 20, 1970, 937.

^{6/} President Nixon news conference, March 21, 1970, 6 Presidential Documents 399.

During the last twenty-seven months of Prince Sihanouk's reign, Cambodia filed 109 protests with the United Nations alleging violation of Cambodian territory by the United States. [Report of the Security Council, United Nations, Supplement No. 2 (A/8002 pp. 101-103 1970)].

During hearings on the bombing of Cambodia conducted by the Senate Committee on Armed Services July - August 1973, Senator Stuart Symington requested of Admiral Moorer information on the United States' role in the overthrow of Prince Sihanouk. Admiral Moorer referred the question to the State Department, which responded that the United States was in no way responsible for the overthrow, and, since the United States had been quite satisfied with the progress of diplomatic relations between the countries, there was "no reason to encourage or support the overthrow which was carried out by legal means." [S.A.S.C. Hearings on Cambodia, 480 (August 9, 1973)]

^{7/} Secretary of Defense Melvin Laird's testimony, Senate Armed Services Committee Hearings on Authorization of Military Procurement for Fiscal Year 1971, Part 3, 2152, 2160, 2172 (May 12, 1970).

^{8/} Department of State Bulletin, September 28, 1970, 368.

SUMMARY OF SECTION II
"Actual Bombing of Cambodia"
and
SECTION III
"The Report of Air Strikes in Cambodia"

This memorandum is intended to provide the Committee with a summary of the facts concerning the actual bombing operations in Cambodia between March 18, 1969 and April 15, 1973 without disclosing any of the top secret, secret or classified materials cited in Sections II and III of the staff report. The materials are cited in footnotes 9 - 31 of the staff report. The footnotes are not included in this Summary.

The statement of facts regarding the actual bombing operations in Cambodia evolves around five areas:

- (1) the purpose and extent of the B-52 bombing strikes in Cambodia prior to May 1970;
- (2) tactical air bombing strikes in Cambodia prior to May 1970;
- (3) the extent, location and purpose of American bombing operations in Cambodia during May and June 1970;
- (4) the extent, location and purpose of American bombing operations in Cambodia after June 30, 1970; and
- (5) the special procedures instituted for reporting the bombing strikes in Cambodia noted in paragraphs one through four.

Bombing Operations in Cambodia
March 18, 1969 - August 15, 1973

On February 11, 1969 General Creighton Abrams, Commander, United States Military Assistance Command Vietnam, recommended and requested authorization to conduct B-52 bombing strikes in Cambodia. On that same date General Abrams was advised by General John P. McConnell, Acting Chairman of the Joint Chiefs of Staff, that his recommendations and request were under review.

Between February 12, 1969 and March 17, 1969 the President and the National Security Council held a series of meetings to discuss General Abrams' recommendations and request. On March 17, 1969 the President granted General Abrams' request.

The initial B-52 bombing strikes in Cambodia were conducted on March 18, 1969 under the code name MENU OPERATION. The stated purpose of this bombing strike was to destroy "COSVN headquarters, the enemy's mobile headquarters for Communist Operations in South Vietnam" which had been located in Cambodia for several years.

From March 18, 1969 to May 1, 1970, when the United States initiated ground combat operations in Cambodia, 3,695 B-52 sorties were conducted, dropping 105,837 tons of bombs in Cambodia. MENU OPERATION was terminated on May 26, 1970. By that time 4,308 B-52 sorties had dropped 120,578 tons of bombs in Cambodia. Under the procedures instituted for reporting MENU OPERATION bombing missions in Cambodia

regular operational reports prepared after each mission indicated that the strikes had taken place in South Vietnam rather than in Cambodia.

On April 18, 1970, General Abrams requested authority to conduct a thirty-day series of tactical air bombing strikes in the northeastern region of Cambodia. Secretary of Defense Melvin Laird granted General Abrams' request on April 20, 1970 authorizing tactical air strikes up to a depth of eight miles into northeastern Cambodia. These strikes were conducted under the code name PATIO with 124 "regular" PATIO sorties conducted between April 24 and May 24, 1970. No operational reports were prepared on these bombing missions.

On May 11, 1970 Secretary of Defense Laird authorized General Abrams to conduct forty-eight "special" PATIO strike sorties along the Mekong River near the Laotian border. This area was outside the strike zone authorized for "regular" PATIO strikes. On May 14, 1970 thirty-two of these "special" PATIO strike sorties were conducted. Operational reports prepared after these bombing missions indicated that the strikes had taken place in Laos.

An unspecified number of tactical air bombing strikes were conducted throughout Cambodia, including areas west of the Mekong River, prior to June 30, 1970. These bombing strikes were authorized in situations where there was a serious threat to any major Cambodian

position, such as a provincial capitol, whose loss would constitute a serious military or psychological blow to the Lon Nol government.

Tactical air strikes, under the code name FREEDOM DEAL, were initiated in Cambodia on June 30, 1970, the date on which the last contingent of American ground forces was withdrawn from Cambodia. These strikes were "air interdiction operations" authorized by "American civilian authorities upon request of the Cambodian government." Initially limited to the northeastern area of Cambodia between the Mekong River and the South Vietnamese border, the FREEDOM DEAL area was extended both southward and westward approximately fifty miles on August 23, 1970. FREEDOM DEAL strikes were terminated on August 15, 1973; a total of 58,749 sorties were flown dropping approximately 135,923 tons of bombs during the operation. Seventh Air Force operational reports accurately stated the target locations for these "regular" FREEDOM DEAL strikes.

"Special" FREEDOM DEAL strikes were sanctioned on July 1, 1970, for use in situations that posed a serious threat to any major Cambodian position, including areas west of the Mekong River. Between July 1, 1970 and February 17, 1971, 3,364 "special" FREEDOM DEAL strikes were conducted expending approximately 7,805 tons of bombs. These strikes represented 44 percent of all tactical air sorties flown in Cambodia during that period. Air Force operational reports indicated that these "special" FREEDOM DEAL strikes had occurred within those areas authorized for "regular" FREEDOM DEAL bombing strikes.

On April 1, 1973 the last contingent of American troops was withdrawn from South Vietnam and the last group of POW's was released. By that time 100,000 B-52 sorties had dropped 244,919 tons of bombs in Cambodia and 40,177 tactical air bombing sorties had dropped 78,183 tons of bombs in Cambodia.

On July 1, 1973 P.L. 93-50 and P.L. 93-52 were enacted, providing for the termination of all bombing in Cambodia by August 15, 1973. Department of Defense statistics indicate that from March 19, 1969 to August 15, 1973, 106,527 B-52 bombing sorties had dropped 383,851 tons of bombs in Cambodia and 63,432 tactical air sorties dropped 155,278 tons of bombs in Cambodia.

The staff's examination of all available material did not reveal any request by the Administration for funds or any appropriations for any American military activity in Cambodia between March 1969 and August 1973.

IV. STATEMENTS UP TO JULY 16, 1973

A. Statements to Congress.

1. 3-19-69 -- Secretary of Defense Melvin Laird -- Senate Armed Services Committee

On March 19, 1969, one day after B-52 "MENU" operations in Cambodia were initiated, Secretary of Defense Melvin Laird appeared before the Senate Committee on Armed Services. Secretary Laird testified that enemy rocket attacks in Saigon, Hue, and Danang were completely inconsistent with the understanding that underlay the decision taken months earlier to halt the bombing of North Vietnam. He testified that the Administration's position had been stated by the President in a press conference on March 4, when the President said, in response to a question on how the United States would respond to continuing rocket attacks in South Vietnam:

. . . the United States has a number of options that we could exercise to respond. We have several contingency plans that can be put into effect.

I am considering all of these plans. We shall use whatever plan we consider is appropriate to the action on the other side. I will not indicate in advance, and I am not going to indicate publicly, and I am not going to threaten -- I don't think that would be helpful -- that we are going to start bombing the North or anything else.

I will only indicate that we will not tolerate a continuation of the kind of attack without some response that will be appropriate. 32/

Laird further testified that enemy forces were able to take refuge in sanctuaries across the borders of Laos, Cambodia, and North Vietnam and that Cambodia had become increasingly important in the infiltration of supplies and men and in the command and control of enemy forces. Laird stated,

32/ Secretary Melvin Laird testimony, S.A.S.C. Hearings on Authorization for Military Procurement, Fiscal Year 1970, March 19, 1969, Part I, 93.

however, that the United States had certain clearly spelled out ground rules and operating procedures that did not permit our commanders to go into Laos, Cambodia, or beyond the DMZ into North Vietnam except to protect the lives and reduce the casualties of American troops operating near the border in South Vietnam. 33/

2. March 27, 1969 -- Secretary of Defense Melvin Laird -- House Armed Services Committee

On March 27, 1969, in an appearance before the House Armed Services Committee, Secretary Laird again testified that enemy forces were able to take safe refuge in sanctuaries across the borders of Laos, Cambodia, and North Vietnam, and that Cambodia had also become increasingly important in infiltration of supplies and men and in the command and control of enemy forces. 34/

3. April 17, 1969 -- General John McConnell and Secretary of Air Force, Robert Seamans -- S.A.S.C.

On April 17, 1969, General John P. McConnell, Chief of Staff of the Air Force, accompanied by Secretary of the Air Force Robert Seamans, testified before the Senate Armed Services Committee in executive session. In response to a question by Senator Byrd of Virginia regarding the initiatives taken by the Joint Chiefs of Staff in presenting plans to end the war, General McConnell indicated that the Joint Chiefs had made several recommendations to the President, two of which had already been executed. The following colloquy occurred:

Senator Byrd, Jr. of Virginia. *[[
]]

33/ Secretary Melvin Laird testimony, Senate Armed Services Committee Hearings on Authorization for Military Procurement, Fiscal Year 1970, March 19, 1969, Part 1, 93, 124.

34/ Secretary Melvin Laird testimony, House Armed Services Committee Hearings on Military Posture, Fiscal Year 1970, March 27, 1969, Part 1, 1722.

* Classified portions of the testimony are not reproduced here.

General McConnell. Yes, sir.

Senator Byrd, Jr. of Virginia. [[]]

General McConnell. [[]]

Senator Byrd, Jr. of Virginia. The Joint Chiefs of Staff have made a recommendation to the President, several recommendations to the President?

General McConnell. Yes, sir.

Senator Byrd, Jr. of Virginia. [[]]

General McConnell. []

Senator Byrd, Jr. of Virginia. [[]]

General McConnell. []^{35/}

Senator John Stennis discussed the military desirability of destroying enemy sanctuaries in Laos and Cambodia with General McConnell:

Chairman Stennis. . . . Now, in putting an affirmative pattern on this thing, wouldn't that be one of the first things to do, General, is hit those sanctuaries over there? [[

]]

General McConnell. From a strictly military standpoint, Mr. Chairman, we should go in and destroy them.

Chairman Stennis. That would be one of the first things you would do from the military standpoint?

General McConnell. But that is not a military decision.

^{35/} General John P. McConnell testimony, Senate Armed Services Committee, Hearings on Military Procurement, Fiscal Year 1970, April 16, 1969, 2070-71. (A copy of General McConnell's testimony was received upon request by the Staff from the Senate Armed Services Committee on June 3, 1974, and retained in Staff files. Classified Top Secret.) [Single bracket [] denotes portions of testimony classified secret; double brackets [[]] denotes a Top Secret Classification. This form is followed in all subsequent statements from classified documents.]

Chairman Stennis. I know. You got a negative on that for other reasons.

General McConnell. For other reasons there may be a negative put on.

Chairman Stennis. Well, there is now, isn't there,
[[]]

General McConnell. [] yes,
sir.

Chairman Stennis. I tell you the truth, unless we are going to go that far in an affirmative way, I just think we ought to quit. We ought to get some decent face to quitting as best we could, and I think the new President is entitled to time, some time.

I am not trying to rock the boat, although sometimes you need some boat rocking. But unless we are going to go that far, it seems to me like we ought to just say so. Of course that wouldn't win it.

Let me take this a little further. That wouldn't win the thing. It wouldn't stop the thing, but it would be a first and essential step, as I understand it, from a military viewpoint.

General McConnell. []

Chairman Stennis. []

General McConnell. []

Chairman Stennis. []

General McConnell. []

Chairman Stennis. You have made that very clear, and I understand fully that you are basing that answer on military considerations.

* ~ * *

Chairman Stennis. General, is there anything else you wish to say or point out?

General McConnell. I just want to say once more, Mr. Chairman, that it is always a pleasure to appear before this Committee. I think that we have thrashed a lot of things out here.

We are very frank in our answers and you are very frank with your questions, and I think it is a good thing for the country for it to be conducted this way on both sides, and I say again I appreciate our opportunity to appear here again. . . . 36/

4. November 18-19, 1969 -- Secretary of Defense Melvin Laird and Secretary of State William Rogers -- Senate Foreign Relations Committee

On November 18 and 19, 1969, Secretary Laird and Secretary of State William P. Rogers briefed the Senate Foreign Relations Committee on the Administration's policy on Vietnam and related subjects. No mention was made of the bombing operations in Cambodia during this briefing. 37/

5. April 2 and 27, 1970 -- Secretary of State William Rogers -- SFRC

On April 2 and 27, 1970, Secretary Rogers testified before the Senate Foreign Relations Committee. He testified that "Cambodia is one country where we can say with complete assurance that our hands are clean and our hearts are pure. . . . Our best policy is to be quiet as possible, to avoid any action which appears to violate the neutrality of Cambodia." According to the newspaper account, the only one now available to the staff, Rogers stated that Prince Sihanouk had from time to time "indicated that, in fact stated, made it clear, that he did not object to the bombing by the United States as long as there were no Cambodians in the area"; Rogers also indicated there there was no agreement between the United States and Sihanouk regarding

36/ Ibid, 2087-89.

37/ Secretary of Defense Laird and Secretary of State Rogers testimony, Hearings before the Senate Foreign Relations Committee, Briefing on Vietnam November 18, 19, 1969, entire document (not reproduced here).

the bombing. The New York Times reported that, in the excerpts of the transcript available to the Times, "at no time did Rogers explicitly say no bombing was taking place."^{38/}

6. April 16, 1970 -- Secretary of Army Resor -- Senate Subcommittee on DOD

On April 16, 1970, in an appearance before the Senate Subcommittee of the Committee on Appropriations, Secretary of the Army Stanley Resor testified that there had been no "U. S. military aid and no army support for Cambodia" since January 1964.^{39/}

7. May 4, 1970 -- Secretary of Defense Melvin Laird and Earle G. Wheeler, Chairman, House Subcommittee on DOD Appropriation

On May 4, 1970 Secretary Laird and General Wheeler appeared before the House Subcommittee of the Committee on Appropriations. General Wheeler testified that for many years the enemy had used bases on the Cambodian-Vietnam border to train and prepare forces and to store military supplies, knowing that they would be secure from an allied attack into Cambodian territory.^{40/}

General Wheeler was asked "to what extent" American planes had bombed the fringe of Cambodia during past months and years. Wheeler answered that the

^{38/} Seymour Hersh article, New York Times, July 25, 1973, as quoted in Ochinko, Walter, Chronology of U.S. Secret Bombing in Cambodia, 1969-1971. (NOTE: The actual transcripts of Secretary Rogers' briefing of the Senate Foreign Relations Committee, Executive Session, on April 2 and 27, 1970 have not yet been received from the Senate Foreign Relations Committee.)

^{39/} Secretary of the Army Stanley Resor testimony, Senate Subcommittee on Appropriations Hearings on Department of Defense Appropriations, Fiscal Year 1971, April 16, 1970, Part 2, 165-66.

^{40/} General Wheeler testimony, House Subcommittee on Appropriations Hearings on Department of Defense Appropriations, Fiscal Year 1971, May 4, 1970, Part I, 790.

United States had responded to attacks from Cambodia with artillery fire and air strikes, and that these retaliatory measures had always been announced.^{41/}

Secretary Laird testifying that same day, said that prior to the incursion of May 1, 1970 the United States had made tactical air and artillery strikes across the border from time to time under attack and when such movement was necessary to protect U.S. forces, but had not been able to move against the sanctuary areas because of the position taken by the Cambodian Government. Laird stated that the COSVN headquarters had not been surprised by the Cambodian incursion because B-52 bombing missions had been carried out in the area three days before. He said the B-52 missions had been ordered to protect American lives.^{42/} Laird further testified that, predominantly for political reasons, the Cambodian incursion had been the first opportunity for U.S. forces to go into the sanctuary areas of Cambodia,^{43/} and that the opportunity to attack the sanctuary areas came at a propitious time for saving American lives.^{44/}

8. May 12, 1970 -- Secretary of Defense Melvin Laird - SASC

On May 12, 1970, in an appearance before the Senate Committee on Armed Services, Secretary Laird stated that the objective of the incursion into Cambodia was to destroy the enemy's supplies and facilities that had been used for four to five years to attack American and South Vietnamese personnel. Laird said that the timing of this activity was based, to a large extent, upon a

^{41/} Ibid, 800-01.

^{42/} Secretary of Defense Laird testimony, House Subcommittee on Appropriations Hearings on Department of Defense Appropriations, Fiscal Year 1971, May 4, 1970, Part I, 795.

^{43/} Ibid, 796.

^{44/} Ibid, 806-07.

change in policy by the Government of Cambodia, which had previously objected to activity on the part of the United States in the North Vietnamese sanctuary area of Cambodia, and by the weather conditions, which limited the period of time during which the facilities could be destroyed. During this testimony, Secretary Laird also stated that American military activity was limited to the guidelines that had been publicly stated by the President and that this so-called 21-mile limit was rigidly adhered to as far as American forces were concerned.^{45/} Secretary of Defense Laird was also asked whether he could foresee the possibility that air support and interdiction would be required in Cambodia after July 1, 1970. Laird responded that he would not rule out the use of airpower on the supply routes that extend through Laos and Cambodia if required to protect the U.S. operation.^{46/}

9. November 25, 1970 -- Secretary of State William Rogers -- House Foreign Affairs Committee

On November 25, 1970, Secretary Rogers testified before the House Committee on Foreign Affairs. In response to the question of whether the Air Force was giving support to Cambodian forces, in Cambodia, he testified that the Air Force was flying missions over Cambodia to interdict supply and communications lines, and stated that they had been doing so for some time.^{47/}

^{45/} Secretary of Defense Laird testimony, Senate Armed Services Committee Hearings on Authorization for Military Procurement, Fiscal Year 1971, May 12, 1970, Part 3, 2149, 2159-60, 2165, 2168.

^{46/} Ibid, 2161.

^{47/} Secretary William Rogers testimony, House Foreign Affairs Committee Hearings to Amend the Foreign Assistance Act of 1961 (Supplemental Authorization for Assistance to Cambodia), November 25, 1970, 27-28.

10. November 30, 1970 -- Assistant Secretary of State Green -- HFAC

On November 30, 1970, in an appearance before the House Committee on Foreign Affairs, Assistant Secretary of State Green was questioned about the accuracy of a newspaper account that a Cambodian officer had indicated to reporters that he could call in U. S. air support when he needed it. Green responded that he could not comment, but he did not think that the account was accurate.^{48/}

11. December 1, 1970 -- Deputy Assistant Secretary of Defense Warren -- HFAC

On December 1, 1970, in an appearance before the House Committee on Foreign Affairs, Lt. General Robert Warren, Deputy Assistant Secretary of Defense for Military Assistance and Sales, was asked about the extent of Cambodian military operations. Warren stated that consistent with President Nixon's policy on air operations in Cambodia, the United States Air Force would conduct operations to interdict enemy supplies, communications, and personnel only when, in the judgment of the U. S. commanders, such operations would enhance the safety and security of U.S. or allied personnel in South Vietnam. When asked if American air support would be available to assist Cambodian soldiers faced with a force of Vietcong or North Vietnamese soldiers, Warren stated that, to the best of his knowledge, such a mission would not qualify under the ground rules for American air interdiction in Cambodia.^{49/}

^{48/} Assistant Secretary of State Marshall Green testimony, House Foreign Affairs Committee Hearings to Amend the Foreign Assistance Act of 1961 (Supplemental Authorization for Assistance to Cambodia), November 30, 1970, 106.

^{49/} Lt. General Robert Warren testimony, House Foreign Affairs Committee Hearings to Amend the Foreign Assistance Act of 1961 (Supplemental Authorization for Assistance to Cambodia), December 1, 1970, 144.

12. December 11, 1970 -- Secretary of Defense Melvin Laird - SFRC

On December 11, 1970, Secretary Laird testified before the Senate Foreign Relations Committee. In response to a question as to whether the air war in Cambodia was increasing or decreasing in scope, Secretary Laird testified that in comparison with the situation that existed earlier in 1970, the air war in Cambodia had decreased. He added that it had increased substantially during the preceding month as far as South Vietnamese forces were concerned, but that the number of missions flown by U.S. pilots was much smaller. Asked whether the United States was giving air support to Cambodia forces in addition to flying interdiction missions, Secretary Laird replied that the Air Force was flying interdiction missions in Cambodia, but were limited to ground concentration, movements of supplies, etc.; that close air support required personnel on the ground to direct the fire, and while the South Vietnamese were conducting some close air support, there were no United States Air Force attacks. He added that there were rules against interdiction missions by the Air Force near population concentrations, and that these rules had been applied carefully. ^{50/}

In response to a question regarding the location of bombing targets in Cambodia, Secretary Laird stated that the United States had flown interdiction missions in all areas of Cambodia at the request of the Cambodian government. When asked what bombing in the western part of Cambodia had to do with the interdiction of supply lines feeding into South Vietnam, Admiral Moorer, who accompanied Laird, indicated that targets had been observed on certain rivers

^{50/} Secretary Laird testimony, Senate Foreign Relations Committee Hearings on Supplemental Foreign Assistance Authorization, 1970, December 11, 1970, 109-10 .

used for support in Cambodia, and that these targets had been struck. However, he indicated that that the vast majority of the action was east of the ^{51/} Mekong River.

13. February 25, 1971 -- President Richard M. Nixon - Foreign Policy Report to Congress

In his Foreign Policy Report to the Congress, on February 25, 1971, the President made the following statement regarding United States policy on Cambodia:

In Cambodia we pursued the policy of the previous Administration until North Vietnamese actions after Prince Sihanouk was deposed made this impossible.^{52/}

The report stated that much of the accelerated progress in Vietnamization was due to the success of the operations against sanctuaries in Cambodia. It also stated that the United States faced the prospect of an enemy base camp 600 miles along South Vietnam's flank; a solid supply route from the port of Sihanoukville; and a vast staging area from which to attack allied forces in Vietnam with impunity. The only alternative to the Cambodian operation, the report said, was to "allow the enemy to build up his threat without challenge, to increase his attacks and to raise allied casualties."^{53/}

The President's Report also stated that:

With the operations [a May-June incursion] concluded, our policy for Cambodia took shape as follows:

No U.S. ground combat personnel in the country, and no U.S. advisors with Cambodian units.

^{51/} Ibid., 110-11.

^{52/} President Nixon report, "United States Foreign Policy for the 1970's: Building for Peace," February 25, 1971, 7 Presidential Documents 332.

^{53/} Ibid., 328-29.

Air Missions against enemy supplies and personnel that pose a potential threat to South Vietnam or seek to establish base areas relevant to Vietnam.

Military assistance to the Cambodian Government in amounts and types suitable for their army.

Encourage other countries of the region to give diplomatic assistance.

Encourage and support the efforts of third countries who wish to furnish troops or material. 54/

14. March 15, 1971 -- Secretary of Air Force Seamans -- Senate Subcommittee on DOD Appropriations

On March 15, 1971, in an appearance before the Senate Subcommittee on Appropriations, Air Force Chief of Staff General John D. Ryan testified that the U. S. provided air support of about fifty sorties a day in Cambodia. 55/

15. March 31, 1971 -- Seamans -- SASC

On March 31, 1971, during a Senate Armed Services Committee Hearing, Senator Hughes requested that Secretary of the Air Force Seamans submit a report of all Indochina bombing sorties and tonnage for fighter bombers and B-52's by month and country from 1965 to date. Seamans' classified submission in response to Senator Hughes request, indicated that no bombing strikes had occurred in Cambodia prior to the May 1, 1970 incursion. 56/

16. June 14, 1971 -- DOD -- SFRC Report

On June 14, 1971 the Defense Department granted a request by the Senate Foreign Relations Committee for declassification of a Committee staff

54/ Ibid, 332.

55/ General Ryan testimony, Senate Subcommittee on the Appropriations Hearings on Department of Defense Appropriations for Fiscal Year 1972, March 15, 1971, 10.

56/ Secretary of Air Force Seamans testimony, Senate Armed Services Committee Hearings on Military Procurement Authorization for Fiscal Year 1972, March 31, 1971, Part II, 1283-84.

report prepared from classified information. An excerpt from that Report was printed in Public Document 92-53. The Report stated that following the American offensive against Communist sanctuaries after Prince Sihanouk had been deposed, the Administration's policy for Cambodia was that there would be air missions against enemy supplies and personnel that posed a potential threat to South Vietnam or against enemy base areas threatening to Vietnam. 57/

17. March 28, 1973 -- Secretary of Defense Richardson - SASC

On March 28, 1973 Senator Hughes submitted the following question to then Secretary of Defense Elliot Richardson:

Question: Now that the war has ended, will you declassify and provide for the committee's records the figures for each calendar month since January, 1964 for (1) the number of aerial attack sorties conducted by U.S. aircraft against targets in each of the following countries: the Republic of Vietnam, the Democratic Republic of Vietnam, Laos, Cambodia, and Thailand; (2) the tonnage of munitions expended in each such country in each such month; and (3) the number of American personnel killed and wounded in hostile and non-hostile incidents in each such country in each such month. Please distinguish between B-25 missions and fighter-bomber missions in listing sorties and tonnages? 58/

Richardson's response to Senator Hughes' request was received in mid-May, 1973. Richardson submitted an eighty-three page classified statistical report preceded by his statement that "the data is highly sensitive in the aggregate and I cannot, therefore, declassify it." Richardson's report indicated that

57/ Senate Foreign Relations Committee Hearings on Foreign Assistance Legislation for Fiscal Year 1972, June 14, 1971, 357.

58/ Senate Armed Services Committee Hearings on Authorization for Military Procurement for Fiscal Year 1974, Part 1, March 28, 1973, 162-63.

no bombing strikes had taken place in Cambodia from January, 1965 to May, 1970.^{59/}

18. April 2, 1973, Admiral Moorer and Secretary of Defense Richardson - SASC

On April 2, 1973, during hearings before the Senate Committee on Armed Services, the following exchange took place:

Senator Symington. Would you supply for the record the number of strikes per month against Cambodia, B-52's, and of other planes, since we first started attacking Cambodia -- I believe in the spring of 1970, wasn't it?

Admiral Moorer. Yes, beginning with the cross-border operations. (Information follows)

U.S. ATTACK SORTIES

	1970		1971		1972		1973	
	TACAIR ¹ B-52		TACAIR B-52		TACAIR B-52		TACAIR B-52	
January			1,658	19	778	109	792	186
February			1,800	40	1,114	181	349	60
March			1,746	105	887	256	3,742	1,225
April			1,807	108	473	48	.....	.....
May	5,116	350	1,483	112	264	27	.....	.....
June	3,479	353	1,866	68	610	196	.....	.....
July	766	191	1,093	42	503	147	.....	.....
August	1,543	234	864	52	952	181	.....	.....
September	1,226	104	874	131	548	297	.....	.....
October	584	3	989	223	462	215	.....	.....
November	524	24	1,258	188	387	163	.....	.....
December	1,435	33	1,300	248	432	48	.....	.....

^{60/}

1/ Includes fixed-wing gunship.

59/ Ibid. 163. A copy of this report, classified secret, was received upon request by the staff from the Senate Armed Services Committee on June 3, 1974 and is retained in the Staff files.

60/ Admiral Moorer testimony, Senate Armed Services Committee Hearings on Authorization for Military Procurement, Fiscal Year 1974, April 2, 1973, Part 1, 390-91.

19. May 3, 1973 -- President Richard M. Nixon -- Foreign Policy Report to Congress

The President's Report to Congress on Foreign Policy for the 1970's, released on May 3, 1973, stated that the neutrality of Cambodia, as outlined in Article 20 of the Paris Vietnam Agreement, had to be respected by Hanoi. The Report asserted that the Communist forces had increased both their attacks on, and infiltration into Cambodia. The Report also stated that the United States "will not tolerate violations of the Vietnam Agreement. We firmly intend to implement all the provisions of the Vietnam Agreement, and we insist that all other parties do so as well."^{61/}

20. May 8, 1973 -- Deputy Assistant Secretary of Defense Doolin -- House Armed Services Committee

On May 8, 1973, Dennis Doolin, Deputy Assistant Secretary of Defense, testified before the House Committee on Armed Services at hearings concerning military operations in Cambodia and Laos. He testified that before the United States would carry on any bombing sorties in Cambodia or Laos, such operations would be cleared through that government.^{62/}

21. July 13, 1973 -- General Brown -- Senate Armed Services Committee

On July 13, 1973 General George Brown testified before the Senate Armed Services Committee at a hearing on his nomination to be Air Force Chief

^{61/} President Nixon report, "Report to Congress on Foreign Policy for the 1970's", May 3, 1973, 9 Presidential Documents, 510.

^{62/} Dennis Doolin testimony, House Armed Services Committee Hearings on Military Action in Cambodia and Laos, May 8, 1973, 20.

of Staff. General Brown was questioned by Senator Harold Hughes as to whether the United States had conducted air strikes in Cambodia prior to May, 1970, utilizing B-52's or tactical aircraft or both. At the General's request, his testimony was taken in executive session because of his belief that what he would testify to had never been testified to previously. After being asked about the extent of tactical air operations in Cambodia prior to May, 1970, General Brown stated that on some specific occasions, against specific targets and at the specific direction of the Joint Chiefs of Staff, B-52's were used in bombing operations on the Cambodian border. General Brown was unable to estimate the distance of penetration of these operations into Cambodia, but speculated it was a matter of a very few kilometers. Brown further testified that he assumed that those who knew of the orders for the raids included Ambassador Bunker and a handful of MACV key people who dealt with B-52 operations and who would have had to know. General Brown further testified that he controlled post-strike reconnaissance in connection with B-52 missions in Cambodia, the reports of which went to the Commander of MACV; he stated that to the best of his knowledge none of these reports was ever modified or falsified. When asked if he had ever been ordered to conceal in any way the fact that the United States was bombing in Cambodia in 1969 and 1970, he responded that he did not recall ever being so ordered, but that he was well aware that "it was something we didn't discuss with anybody," and that this hearing was the first occasion where he had discussed the bombing with anybody except General Abrams and Ambassador Bunker. In his testimony, General Brown indicated that the purpose of the bombing operation was to chase COSVN headquarters which was the Communist headquarters in South Vietnam and which functioned from just

across the border in Cambodia. ^{62A/} General Brown also later testified that while he did not give any orders to falsify reports, "the whole system was geared so that in the scenario this plan was not to be divulged to the public." ^{63/}

In response to comments by Senator Nunn, General Brown distinguished the falsification of records in the General John D. LaVelle bombing situation from the Cambodian bombing operation: in one situation an individual took responsibilities he did not have and violated instructions; in the Cambodian situation no instructions were violated; in the Cambodian situation the entire system was set up to do this, to carry out instructions received from Washington. ^{64/}

22. July 16, 1973 -- Secretary of Defense Schlesinger, via letter -- SASC

In a July 16, 1973 letter to Senator Stuart Symington, Acting Chairman of the Senate Armed Services Committee, Secretary of Defense James R. Schlesinger stated that prior to May 1970, B-52 strikes had occurred in Cambodia. Secretary Schlesinger's letter also stated that "Because of the sensitive operational and diplomatic situation, special security precautions were taken to ensure that the operations would not be compromised." ^{65/}

^{62A/} General George Brown testimony, Senate Armed Services Committee Hearings on Nomination of General Brown to be Chief of Staff of the Air Force, July 13, 1973, classified transcript G-15, 28, 68. (A complete copy of the transcript of these Hearings, classified secret, was received by the staff upon request from the Senate Armed Services Committee on June 3, 1973, and is retained in the Staff files.)

^{63/} Ibid., 68.

^{64/} Ibid., 75-76.

^{65/} A copy of this letter was received upon request from the Senate Armed Services Committee on June 3, 1974 and is retained in the Staff files.

23. July 19, 1973 -- Department of Defense Report -- SASC

At the request of the Senate Armed Services Committee the Department of Defense submitted a declassified version of Secretary Richardson's Report to the Committee on July 19, 1973. ^{66/} This report is set forth in Appendix E.

66/ Senate Armed Services Committee Hearings on Authorization for Military Procurement, Fiscal Year 1974, April 2, 1973, Part 1, 427-34.

PRE-JULY 16, 1973 PUBLIC STATEMENTS1. March 4, 1969 - President Nixon -- News Conference

In a news conference on March 4, 1969, the President responded to a reporter's question concerning enemy attacks in South Vietnam by stating, in part:

. . . the United States has a number of options that we could exercise to respond. We have several contingency plans that can be put into effect.

I am considering all of these plans. We shall use whatever plan we consider is appropriate to the action on the other side. I will not indicate in advance, and I am not going to indicate publicly, and I am not going to threaten -- I don't think that would be helpful -- that we are going to start bombing the North or anything else.

I will only indicate that we will not tolerate a continuation of this kind of attack without some response that will be appropriate. 67/

2. March 14, 1969 -- President Nixon -- News Conference

At another news conference, this one on March 14, the President stated that "[a]ny escalation of the war in Vietnam has been the responsibility of the enemy. If the enemy de-escalated its attacks, ours will go down. We are not trying to step it up. We are trying to do everything that we can in the conduct of our war in Vietnam to see that we can go forward toward peace in Paris."^{68/} He further said that he would discuss more fully the growing casualties in the war in the Security Council tomorrow. The President said, ". . . We have issued a warning. I will not warn again. If we conclude that the level of casualties is higher than we should tolerate, action will take place."^{69/}

67/ President Nixon news conference, March 4, 1969, 5 Presidential Documents 364.

68/ President Nixon news conference, March 14, 1969, 5 Presidential Documents 403.

69/ Ibid.

3. March 25, 1969 -- Ziegler -- Press briefing

On March 25, 1969, ten days after the bombing in Cambodia had been approved and nine days after it began, White House Press Secretary Ronald Ziegler refused comment on what he termed a speculative report that the President had received from American military commanders in Vietnam requests for approval of the bombing of Viet Cong base camps in Cambodia. Ziegler further stated that the President's policy on the conduct of the Vietnam War was not directed toward the expansion of U. S. military activities.^{70/}

4. March 27, 1969 -- Secretary of Defense Melvin Laird -- Press interview

On March 27, 1969, Secretary Laird indicated in a press interview that he neither received nor had knowledge of a request from the Joint Chiefs to attack the Viet Cong or North Vietnamese bases in Cambodia.^{71/}

5. May 14, 1969 -- President Richard M. Nixon -- National television address

On May 14, 1969, in his nationally televised address, the President said that under the terms of his proposed settlement of the Vietnam war, "all parties would agree to observe the Geneva Accords of 1954 regarding South Vietnam and Cambodia, and the Laos Accords of 1962."^{72/} He also said, "I have tried to present the facts about Vietnam with complete honesty, and I shall continue to do so in my reports to the American people."^{73/}

^{70/} Official Transcript of White House Press Conference, March 25, 1969, No. 107, 7-8.

^{71/} "Selected Statements by DOD and Other Administration Officials," 1969-1973, prepared by the Air Force (SAFAA) on file with Executive Agency Services, Defense Department.

^{72/} President Nixon address, "Report on Vietnam," May 14, 1969, 5 Presidential Documents 697.

^{73/} Ibid, 698.

6. May 15, 1969 -- President Nixon and Ambassador Lodge -- News conference

On May 15, at a joint news conference with President Nixon, Ambassador Lodge was asked whether General Abrams' instructions to keep the maximum military pressure on the other side had been changed. Lodge stated that he 74/ did not know what Abrams' orders were.

7. December 8, 1969 -- President Nixon -- News Conference

At a news conference on December 8, 1969, in response to a question concerning the extent of the public's right to know about American military involvement in Laos, the President stated that the people of the United States were entitled to know everything they could with regard to any involvement of the United States abroad. 75/

8. January 30, 1970 -- President Nixon -- News Conference

At a news conference on January 30, 1970, the President reiterated that his plan for Vietnam envisaged the complete withdrawal of American combat forces. He added that it also envisaged logistical support for the South Vietnamese, and that until the South Vietnamese were ready to take over support on the sea and support in the air which required highly sophisticated training programs, American air support would remain in Vietnam. He also said that the timing of Vietnamization would depend on, among other things, the level of enemy activity 76/ and the progress of the Paris peace talks.

74/ President Nixon and Henry Cabot Lodge, joint news conference, May 15, 1969, 5 Presidential Documents 700.

75/ President Nixon news conference, December 8, 1969, 5 Presidential Documents 1725.

76/ President Nixon news conference, January 30, 1970, 6 Presidential Documents 93-94.

He stated that if the enemy took "advantage of our troop withdrawal to jeopardize the remainder of our forces by escalating the fighting, then we have the means and I will be prepared to use those means strongly to deal with that situation, more strongly than we have dealt with it in the past."^{77/}

9. March 21, 1970 -- President Richard Nixon -- News conference

At a news conference on March 21, 1970, President Nixon said, "[w]e respect Cambodia's neutrality. We would hope that North Vietnam would take that same position in respecting its neutrality. And we hope that whatever government eventually prevails there, that it would recognize that the United States' interest is the protection of its neutrality."^{78/}

10. March 26, 1970 -- State Department, McCloskey -- Daily News Conference

On March 26, 1970, at a Department of State daily news conference, Department spokesman Robert McCloskey was asked whether there had been any change in the orders or directives in regard to bombing in Cambodia, in light of reports that U. S. planes as well as South Vietnamese planes had been in action over Cambodia. Mr. McCloskey responded, "No."^{79/}

11. April 16, 1970 -- State Department, McCloskey -- Daily News Conference

In an April 16, 1970 State Department news conference, McCloskey stated that "We recognize and respect the sovereignty, independence, neutrality, and territorial integrity of Cambodia within its present borders. Within this policy, American commanders have the authority to take those actions essential in the inherent right of self-defense." However, McCloskey declined to comment on

^{77/} Ibid, 92-94.

^{78/} President Nixon news conference, March 21, 1970, 6 Presidential Documents 399.

^{79/} Department of State Morning Briefing, March 26, 1970, on file with State Department.

"questions that go to the matter of rules of engagement."^{80/}

12. April 18, 1970 -- Secretary of State William Rogers -- Speech, Cornell University

In an address to the Cornell Alumni Association on April 18, 1970 Secretary Rogers stated, "A year ago, before we reestablished diplomatic relations with Cambodia . . . we affirmed publicly our recognition and respect for the 'sovereignty, independence, neutrality, and territorial integrity' of Cambodia within its present frontiers. The policy we expressed toward Cambodia then remains our policy toward Cambodia now." Rogers further stated "[w]e cannot be indifferent to the military pressures by North Vietnam on the independence and neutrality of Laos and Cambodia. They affect the safety of our own forces in South Vietnam and the prospects for peace there. They also affect the future stability of Southeast Asia. We continue to believe that an ultimate settlement to the Vietnam war must take Laos and Cambodia into account."^{81/}

13. April 20, 1970 -- President Nixon -- National television address

In a nationally televised speech on April 20, 1970, the President said:

Now, viewed against the enemy's escalation in Laos and Cambodia, and in view of the stepped-up attacks this month in South Vietnam, this decision [to ~~withdraw~~ additional contingent of American Troops] clearly involves risks.

But I again remind the leaders of North Vietnam that while we are taking these risks for peace, they will be taking grave risks should they attempt to use the occasion to jeopardize the security of our remaining forces in Vietnam by increased military action in Vietnam, in Cambodia, or in Laos.

^{80/} Department of State Morning Press Briefing, April 16, 1970, on file with State Department.

^{81/} Department of State Bulletin, May 11, 1970, 608.

I repeat what I said November 3rd and December 15th. If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation.

My responsibility as Commander in Chief if our Armed Forces is for the safety of our men, and I shall meet that responsibility. 82/

14. April 30, 1970 -- President Nixon -- National television address

On April 30, 1970, the President addressed the nation on the situation in Southeast Asia. He announced that American and South Vietnamese units would attack Communist sanctuaries in Cambodia. The President stated that after full consultation, he had concluded that enemy actions in the ten preceding days were endangering the lives of the Americans in Vietnam. The President then discussed the actions of the enemy, the actions he had ordered, and the reasons for the decision he had made. 83/

The President described Cambodia as a neutral country, and set forth American policy toward Cambodia:

American policy since then has been to scrupulously respect the neutrality of the Cambodian people. We have maintained a skeleton diplomatic mission of fewer than 15 in Cambodia's capital, and that only since last August. For the previous 4 years, from 1965 to 1969, we did not have any diplomatic mission whatever in Cambodia. And for the past 5 years, we have provided no military assistance whatever and no economic assistance to Cambodia. 84/

The President then said that the North Vietnamese had not respected Cambodian neutrality, in that for the past five years they had occupied sanctuaries on both sides of the Cambodian-South Vietnam border. He stated that:

82/ President Nixon address, "Report on Vietnam", April 20, 1970, 6 Presidential Documents 554-55.

83/ President Nixon address, "The Situation in Southeast Asia", April 30, 1970, 6 Presidential Documents 596.

84/ Ibid, 597.

For 5 years, neither the United States nor South Vietnam has moved against these enemy sanctuaries because we did not wish to violate the territory of a neutral nation. Even after the Vietnamese Communists began to expand these sanctuaries 4 weeks ago, we counseled patience to our South Vietnamese allies and imposed restraints on our own commanders. 85/

The President then contrasted this with the conduct of the enemy in the past two weeks, indicating that they "had stripped away all pretense of respecting the sovereignty or the neutrality of Cambodia" by moving into Cambodia and encircling the capital. As a result of this, the President stated, Cambodia 86/ sent out a call to the United States and to other nations for assistance.

The President next outlined what he considered to be his options: one, to do nothing; two, to provide massive military assistance to Cambodia; three, "go to the heart of the problem" and clean out the sanctuaries. He then announced that in cooperation with South Vietnam, attacks were being launched to clean out major enemy sanctuaries on the Cambodian-Vietnam border. He stated, however, that this was not an invasion of Cambodia; that the areas 87/ attacked were completely occupied and controlled by North Vietnamese forces.

The President next discussed the reasons for his decision, declaring that this action was taken, not for the purpose of expanding the war into Cambodia, but for the purpose of ending the war in Vietnam. He stressed that the United States had made and would continue to make every possible effort to end the war through negotiations and cited various examples of these efforts including that: ". . . We have stopped the bombing of North Vietnam. We have cut air

85/ Ibid.

86/ Ibid.

87/ Ibid. 598.

operations by over 20 percent. We have announced the withdrawal of over 250,000 of our men . . . ^{88/} The President then warned the North Vietnamese against escalating the fighting, and declared that he stood ready to negotiate. ^{89/}

The President completed his address with a general discussion of the challenges and responsibilities facing the United States in this situation, and around the world at this time. He concluded by asking that the American people support the men fighting in this effort. ^{90/}

15. May 4, 1970 -- Secretary of State William P. Rogers -- television interview

In a May 4, 1970 television interview, Secretary Rogers stated that the Cambodian operation of May 1 was limited in extent, purpose and duration. He said, "[I]ts limited in extent . . . to the border area that has been occupied by North Vietnamese forces for many years and used as sanctuaries to attack American troops, . . . We're not going to exceed those limitations of the sanctuaries on the border." He further said, "The purpose is not to kill the enemy; the purpose is to destroy the sanctuaries themselves. . ." and that, "The President has made it clear that it's not going to last more than 6 to 8 weeks at the most." ^{91/} During the same television interview, Rogers replied to an earlier accusation by Senator Fulbright that Rogers had misled Fulbright with regard to Cambodia. Rogers said that he did talk to the Senate Foreign Relations Committee about the problem of the sanctuaries, and that he told the Committee that:

^{88/} Ibid, 599.

^{89/} Ibid, 600.

^{90/} Ibid, 600-01.

^{91/} Department of State Bulletin, May 25, 1970, 646.

The problem that we had was that these sanctuaries were being used, and it didn't make any sense to have them protected -- 30 miles, 35 miles from Saigon. And I pointed that out, and I said the President now is facing the difficult decision about whether he should continue a war that didn't make any sense or whether he should change the policy or not. And there was discussion about that. Several of the Senators said, well, we think as long as the South Vietnamese troops are used to knock out these sanctuaries, it'd be all right -- we'd oppose the use of American troops. 92/

Rogers further stated that although Fulbright probably didn't realize that the President was going to make the decision to invade, "there was plenty of notice as far as I was concerned that this was one of the matters under consideration." 93/

16. May 8, 1970 -- President Nixon -- News conference

In a news conference on May 8, 1970, the President stated that he had previously warned that if he found that increased enemy action in Cambodia would jeopardize the remaining American forces in Vietnam, he would take strong action to deal with it. He stated that because he felt that enemy action in Cambodia had put the remaining troops in an untenable position, he felt he had to act. 94/

He also said that "the great majority of all American units will be out [of Cambodia] by the second week of June, and all Americans . . . will be out of Cambodia by the end of June." The President also said that when those forces leave "our logistical support and air support will also come out with them." 95/

17. May 10, 1970 -- Richardson, Under Secretary of State -- Press interview

In a press interview on May 10, 1970, Under Secretary of State Elliot L. Richardson said the Administration hoped the Cambodian invasion would weaken the

92/ Ibid, 649.

93/ Ibid.

94/ President Nixon news conference, May 8, 1970, 6 Presidential Documents 617.

95/ Ibid, 618.

North Vietnamese logistical base and give them an inducement to weaken their hard negotiating terms. Richardson stated that up to now "our de-escalation of the war to date, our withdrawal of forces, our scaling down of B-52 sorties, a reduction in the volume of combat activity, has not brought them to the point of serious negotiation . . ." Richardson said that the primary objective of the invasion of Cambodia was to destroy communications and logistic bases "and measured by these objectives, the operations are, so far as we can judge up to now, successful."^{96/}

18. May 13, 1970 -- Secretary of State Rogers -- News conference

In a May 13, 1970 news conference, Secretary Rogers stated that "American troops will be out of Cambodia by the first of July..., including advisers." He was asked, "Are you ruling out -- or not ruling out -- U.S. air activity over Cambodia past the June 30 deadline?" He responded, "No, I haven't ruled it out at all. We had air activity over Cambodia before the change of the government, and we haven't said anything one way or the other about that."^{97/}

19. May 14, 1970 -- State Department, McCloskey -- Daily news conference

In a Department of State news conference on May 14, 1970, the following exchange took place between a newsman and spokesman McCloskey:

Q. Bob, on Cambodia, the Secretary yesterday said there had been air activity over Cambodia before the current crisis [the ground invasion] I was wondering if you could put on the record what these air activities were?

A. Well, I don't know literally what kind of aircraft or how often. The nature of it is of suppressive fire activity, largely as a result of cross-border firing against U. S. forces in South Vietnam. We have,

^{96/} Department of State Bulletin, June 1, 1970, 681-82.

^{97/} Ibid. 673, 679.

on a couple of occasions that I can remember, confirmed or announced that a helicopter or two crashed -- lost; we have had bodies returned from the Cambodian side.

In general, that's the nature of what the Secretary was talking about.

Q. Can you specify how far into Cambodia these raids went?

A. I don't know.

Q. Bob, wasn't there bombing, too, of the sanctuary areas in advance of the attack for several days?

A. I don't know, John, for how long. On background, I think you're correct. There probably was. 98/

20. May 28, 1970 -- State Department, Stevenson -- Speech, NYC Bar Association

On May 28, 1970, John Stevenson, legal advisor to the Department of State, in a speech before the New York City Bar Association, said, that increasingly since 1965, " . . . Cambodia has been used by North Vietnam as a base of military operations to carry out that attack, [against South Vietnam] and it long ago reached a level that would have justified our taking appropriate measures of self-defense on the territory of Cambodia. However, except for scattered instances of returning fire across the border, we refrained until 99/ April from taking such action in Cambodia."

98/ Transcript of Department of State News Conference, May 14, 1970, on file with Department of State.

99/ Department of State Bulletin, June 22, 1970, 770.

21. June 3, 1970 -- President Richard Nixon -- National television address

On June 3, 1970, the President delivered a speech to the nation on the Cambodian sanctuary operation.

The President stated that following his announcement of April 20, 1970 that an additional 100,000 troops would be withdrawn from South Vietnam, Communist forces launched a series of attacks in neutral Cambodia, attempting to link together their bases in Cambodia. The President stated that this would have jeopardized troop withdrawals, and meant higher casualties and a longer war.^{100/}

The President stated that "[T]he only remaining American activity in Cambodia after July 1 will be air missions to interdict the movement of enemy troops and material where I find that is necessary to protect the lives and security of our men in South Vietnam."^{101/}

In examining the long-range aspect of this operation, the President enumerated the following: First, the elimination of an immediate danger to the security of the remaining Americans; second, the gaining of time for the training and preparation of the South Vietnamese; third, the insuring of the success of the troop withdrawal program.^{102/}

^{100/}

President Nixon address, "The Cambodian Sanctuary Operation," June 3, 1970, 6 Presidential Documents 721.

^{101/}

Ibid, 723.

^{102/}

Ibid.

Referring to the Djakarta Conference to seek a solution to the problem of Cambodia, the President stated that Cambodia was an opportunity for countries to cooperate in supporting the Cambodian Government's effort to maintain Cambodia's neutrality, its independence, and its territorial integrity and that the United States would do what it could to make it possible for these initiatives to succeed. ^{103/}

The President reaffirmed his offer of negotiations with the North Vietnamese, but warned against an increase in attacks that would jeopardize the safety of forces in Vietnam. After discussing the fact that his decisions were made to protect the lives of the 400,000 Americans in Vietnam, and stating that he would keep his pledges regarding the timetable of withdrawal, the President closed his address by pledging to end the war and bring peace. ^{104 /}

^{103/}
Ibid.

^{104/}
Ibid, 724-25.

22. June 30, 1970 -- President Nixon -- National television address

On June 30, 1970 a report by the President entitled "The Cambodian Operation" was released at San Clemente, California. The report stated that all American troops have withdrawn from Cambodia. The President said in part

These new violations [in Cambodia] ...took place against a backdrop of years of Communist disregard of the neutrality and territorial integrity of Cambodia -- guaranteed in the 1954 Geneva Agreements to which Hanoi was a signatory.

It was North Vietnam -- not we -- which brought the Vietnam War into Cambodia.

For five years, North Vietnam has used Cambodian territory as a sanctuary from which to attack allied forces in South Vietnam. For five years, American and allied forces -- to preserve the concept of Cambodian neutrality and to confine the conflict in Southeast Asia -- refrained from moving against those sanctuaries.

.... It was the major expansion of enemy activity in Cambodia that ultimately caused allied troops to end five years of restraint and attack the Communist base areas. These areas -- on the Cambodian side of the Vietnam-Cambodian border -- have for years served as supply depots and base camps for enemy troops infiltrated through Laos into South Vietnam. They have also served as sanctuaries for North Vietnamese and Viet Cong headquarters elements and for combat troops to rest, refit and re-supply on their return from South Vietnam. 105/

The President further said that

Our screening of more than six tons of documents captured in the Cambodian operations has provided conclusive proof of Communist reliance on Cambodia as a logistic and infiltration corridor and as a secure area from which Communist designs on Vietnam as well as in Cambodia itself could be carried out.... The immunity of the Cambodian sanctuaries had been a serious military handicap for us for many years. But we had refrained from moving against them in order to contain the conflict.We considered that a neutral Cambodia outweighed the military benefits of a move against the base areas. ...By April 16 [1970][d]espite escalating Communist activity in

105/

President Nixon report, "The Cambodian Operation," June 30, 1970,
6 Presidential Documents 846-47.

Cambodia, we continued to exercise restraint.When I made my April 20 speechI...reiterated my determination to take strong and effective measures if increased enemy action in Laos, Cambodia or South Vietnam jeopardized the security of our remaining forces in Vietnam. 106/

The President noted that the response from the enemy was further escalation and that the "prospect suddenly loomed" of Cambodia becoming virtually one large base area for attack anywhere into South Vietnam along 600 miles of the Cambodian frontier. He said that

The Enemy in Cambodia would have enjoyed complete freedom of action to move forces and supplies rapidly across the entire length of South Vietnam's flank to attack our forces in South Vietnam with impunity from well-stocked sanctuaries along the border.... the Communist's move against the Cambodian Government preceded the U. S. action against the base areas. 107/

The President said that on April 30 he had outlined "the three basic choices we had in the face of the expanding Communist threat" before announcing the United States response. The first was to "do nothing." This, he said, "would have run the risk of Cambodia's becoming one vast enemy staging area, a springboard for attacks on South Vietnam without fear of retaliation." The dangers, the President continued, would not have fully materialized for several months "and this government might have been commended for exercising restraint." But as withdrawals proceeded, the remaining American forces would have been put in "severe jeopardy." 108/

The second choice, the President said, was "to provide massive assistance to Cambodia," but this was "an unrealistic alternative" because

106/ Ibid, 847-48.

107/ Ibid, 849.

108/ Ibid.

the small Cambodian army "could not effectively utilize any massive transfusion of military assistance against the immediate enemy threat" and "[w]e also did not wish to get drawn into the permanent direct defense of Cambodia," which would have been "inconsistent with the basic premises of our foreign policy." 109/

The President said that after intensive consultations he chose the third course, and with the South Vietnamese launched joint attacks "against the base areas so long occupied by Communist forces." The military objectives were to capture or destroy the arms, ammunitions, and supplies that had been built up in the sanctuaries over the years and to disrupt the enemy's communication network, which would "frustrate the impact of any Communist success in linking up their base areas" if not prevent it. The President said that he concluded that destroying the enemy's sanctuaries would serve several objectives, regardless of the success of Communist assaults on the Cambodian government. Among these objectives was to "emphasize to the enemy whether in Southeast Asia or elsewhere that the word of the United States -- whether given in a promise or a warning -- was still good," 110/

The President described the military operations. Ten major operations were launched against a dozen of the most significant base areas, the President said, with 32,000 American and 48,000 South Vietnamese troops. "As of today, all Americans, including logistics personnel and advisers, have withdrawn, as have a majority of the South Vietnamese forces." 111/ The President said

Our military response to the enemy's escalations was measured in every respect. It was a limited operation for a limited period of time with limited objectives.

109/ Ibid.

110/ Ibid., 850.

111/ Ibid.

We have scrupulously observed the 21-mile limit on penetration of our ground combat forces into Cambodian territory. These self-imposed time and geographic restrictions may have cost us some military advantages, but we knew that we could achieve our primary objectives within these restraints. And these restraints underscored the limited nature of our purpose to the American people. 112/

The President described the estimates of "the massive amounts of supplies" that had been seized and destroyed. He also noted the "deeper meaning of the piles of enemy supplies and the rubble of enemy installations."

We have inflicted extensive casualties and very heavy losses in material on the enemy -- losses which can now be replaced only from the North during the monsoon season and in the face of counter-action by South Vietnamese ground and U. S. air forces.

We have ended the concept of Cambodian sanctuaries, immune from attack, upon which the enemy military had relied for five years. 113/

If "we had chosen the first option -- and done nothing," the President said, the enemy sanctuaries "by now would have been expanded and strengthened"; the Vietnamization program would be in serious jeopardy; "[w]e would have confronted an adversary emboldened by our timidity, an adversary who had ignored repeated warnings"; the war would be a good deal further from over than it is; and, "[h]ad we stood by and let the enemy act with impunity in Cambodia -- we would be facing a truly bleak situation." 114/

While many difficulties remain and some setbacks are inevitable, the President said, the Cambodia operations "will enable us to pursue our goals with greater confidence. ...With American ground operations in Cambodia ended, we shall move forward with our plan to end the war in Vietnam and to secure [a] just peace." 115/

112/ Ibid.

113/ Ibid, 851.

114/ Ibid, 851-52.

115/ Ibid, 852.

In a portion of the report labelled "The Future," the President said that "We will conduct -- with the approval of the Cambodian Government -- air interdiction missions against the enemy efforts to move supplies and personnel through Cambodia toward South Vietnam and to re-establish base areas relevant to the War in Vietnam." He mentioned that the South Vietnam government might undertake operations to prevent reestablishment of base areas in Cambodia and said that "there will be no U. S. air or logistics support." ^{116/}

^{116/} Ibid, 852-53.

On July 1, 1970, in a television interview, the President stated in reply to a question that he did not plan to go back into Cambodia. He did state, however, that he did plan and was going to use the air power of the United States to interdict all flows of men and supplies which he considered were directed toward South Vietnam as this was his role of defending American men. He reiterated his statement that he had no plans to go back to Cambodia when asked whether, in view of the campus reaction in the Cambodian affair, he could take strong effective measures if the enemy intensified their attacks.^{117/}

In response to a question regarding his consultation with members of Congress preceding the Cambodian incursion, the President indicated that he consulted with a great number of people between April 20 and April 30, 1970, including members of the Senate and of the House. The President was asked if he felt that there were situations when the President must, for reasons of security or expediency, use American troops in crossing a national border without consulting the Legislative Branch. The President responded that he would "bend over backwards" to consult the Congress if it could be done without jeopardizing American lives, but as between the saving of American lives and the attitudes of people in the Senate, he would come down hard on the side of saving

^{117/} President Nixon television interview, "A Conversation with the President on Foreign Policy," July 1, 1970, 6 Presidential Documents 862-63, 866-67.

American lives.

24. August 10, 1970 -- DOD -- Press briefing

On August 10, 1970, a Defense Department spokesman said that "The President's policy on air operations in Cambodia is that we will conduct operations to interdict enemy supplies, communications, and personnel when in the judgment of U. S. Commanders, such operations will enhance the safety and security of U. S. and allied personnel in South Vietnam." 119/

25. January 15, 1971 -- Secretary of State William Rogers -- Television interview - CBS

On January 15, 1971, in a CBS-TV interview, Secretary Rogers stated that the "situation" in Cambodia was not deteriorating. Rogers said it would not be necessary to use American ground forces in Cambodia. Rogers further stated that American air power was being employed "in supporting the efforts of the South Vietnamese in preventing the North Vietnamese from developing sanctuaries in Cambodia. The objective is not to support the Government of Cambodia; it's to prevent the North Vietnamese from building up these base areas in Cambodia so they can attack our troops." 120/

26. January 19, 1971 -- Assistant Secretary of State Green -- Speech, Far East America Council

In an address before the Far East America Council on January 19, 1971, Marshall Green, Assistant Secretary for East Asian and Pacific Affairs,

118/ Ibid, 868-69.

119/ "Selected Statements by DOD and other Administration Officials", 1969-1973, prepared by the Air Force (SAFAA), on file with Executive Agency Services, Defense Department.

120/ Department of State Bulletin, February 1, 1971, 135-36.

stated that there were no American ground combat forces in Cambodia, nor were there any American military advisors, nor any large American presence in that country although some U. S. air activities there were required. ^{121/}

27. January 20, 1971 -- Secretary of Defense Melvin Laird -- News conference

In a news conference on January 20, 1971 Secretary Laird made the following statement:

. . . the President said, I believe on June 30, [1970] that air support would not be used or not necessary during the termination of those sanctuary operations. This was a correct statement, because the South Vietnamese Air Force at that time felt that they could perform the air support that was needed and necessary to finish up those sanctuary operations prior to the rainy season setting in, which of course terminated that phase of the Cambodian operation as far as the South Vietnamese were concerned.

We did, however, use air power in Cambodia, and we have continued to use it, although it was not directly related to the South Vietnamese sanctuary operation. We have continued and as the President said in that same statement on June 30, he said we will conduct with the approval of the Cambodian Government -- I am paraphrasing this -- air operations against enemy forces as they move supplies and personnel through Cambodia towards South Vietnam and reestablish their sanctuary areas.

[The United States] is supporting ARVN in Cambodia with air activities which are designed to prevent the re-establishment of the sanctuary areas and the logistic supply routes into those sanctuary areas." ^{122/}

28. February 17, 1971 -- President Nixon -- News conference

In a news conference on February 17, 1971, the President stated that he would not place any limitations upon the use of air power in Cambodia except for the limitation of nuclear weapons. The President asserted that air

^{121/} Department of State Bulletin, February 8, 1971, 162-63.

^{122/} "Selected Statements by DOD and Other Administration Officials," 1969-1973, prepared by the Air Force (SAFAA), on file with Executive Agency Services, Defense Department.

power would be directed "against those military activities which I determine are directed against and thereby threaten our remaining forces in South Vietnam." In response to a question as to whether decisions concerning the use of American air power in Laos were made in Saigon or in Washington, the President stated that "wherever American participation to any extent is required, you can be sure that that decision will be made here."^{123/}

29. March 1, 1971 -- Admiral Moorer -- Speech, Alabama

On March 1, 1971, in a speech before the Alabama Conference on Citizenship, Admiral Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, stated that "earlier this year the South Vietnamese again sent forces into Cambodia with air, sea and logistic support supplied by U. S. forces."^{124/}

30. March 22, 1971 -- President Nixon -- Television interview -- ABC

In a televised interview on March 22, 1971, the President was asked about his previous statement made after the 1970 Cambodian affair that American air power would not be used in support of combat operations in Cambodia, and the fact that he would use air power in any place in North Vietnam or in Southeast Asia area, where he found it would be necessary for the purpose of protecting American forces in South Vietnam. He added that the primary purpose was and must always be the defense of American forces in South Vietnam.^{125/}

^{123/} President Nixon news conference, February 17, 1971, 7 Presidential Documents 236.

^{124/} "Selected Statements by DOD and Other Administration Officials," 1969-1973, prepared by the Air Force (SAFAA), on file with Executive Agency Services, Defense Department.

^{125/} President Nixon television interview, "Conversation with Howard K. Smith," ABC Television Interview, March 22, 1971, 7 Presidential Documents 525.

31. July 1, 1973 -- President Nixon -- Presidential statement

On July 1, 1973, the President asserted in a Presidential Statement that the "last remaining element of the peace in Southeast Asia is a stable Cambodian settlement. I believe, that the settlement can be secured so long as . . . essential air support is not withdrawn unilaterally while delicate negotiations are still underway." The President further stated that he "will continue to take the responsible actions necessary to win that peace."^{126/}

^{126/} President Nixon statement, "Air Activities Over Cambodia," July 1, 1973, 9 Presidential Documents 881.

V. STATEMENTS FOLLOWING SECRETARY OF DEFENSE SCHLESINGER'S
LETTER OF JULY 16, 1973, ACKNOWLEDGING PRE-INCURSION
BOMBING OF CAMBODIA.

After the formal acknowledgment of the pre-incursion bombing in Cambodia by Secretary of Defense James Schlesinger on July 16, 1973, the Senate Armed Services Committee held hearings on various issues concerning the Cambodian bombing and the procedures for reporting the bombing. Some of the same issues were canvassed in the Senate Foreign Relations Committee hearings on the President's nomination of Henry Kissinger to be Secretary of State.

A. Statements to Congress.

1. Purpose of Bombing

General Abrams testified he requested authority to bomb the Cambodian sanctuaries because of the serious military threat to American forces posed by enemy use of the sanctuaries. ^{127/}

In response to Senator Hughes' question whether the decision to bomb Cambodia was made before or after the decision to withdraw troops from South Vietnam, General Abrams replied that on January 21, 1969, he had been ordered by the President to review the South Vietnamese situation and to provide an assessment by February 10, 1969.

^{127/} General Abrams testimony, S.A.S.C. Hearings on Bombing in Cambodia, August 8, 1973, 341.

Abrams stated that on January 28, 1969, General Wheeler, acting on orders from Secretary Laird, ordered him to discuss troop reductions with the South Vietnamese, and that "at this point it was clear to me that reductions would occur -- it was only a question of how many and when." 128/

Responding to a similar question, Admiral Moorer testified that a decision to withdraw substantial United States forces from South Vietnam had been made prior to the bombing, and that it had also been decided to take any action necessary to minimize American casualties. 129/ However, he stated that he was unable to supply the exact date of the decision to withdraw troops. Subsequently, he transmitted a statement for the record, that upon Secretary Laird's return from his visit to Vietnam in March, 1969, Laird had advised the President to withdraw 50-70,000 troops from South Vietnam during 1969 and to make plans for further reductions. 130/

The question of Cambodia neutrality was raised in both hearings. During the Senate Armed Services Committee hearings, General Wheeler stated that Prince Sihanouk had acquiesced in the American bombings

128/ General Abrams testimony, S.A.S.C. Hearings on Bombing in Cambodia, August 8, 1973, 349.

129/ Admiral Moorer testimony, S.A.S.C. Hearings on Bombing in Cambodia, August 9, 1973, 445-46.

130/ Ibid.

because of his inability to repel the enemy (NVA/VC). ^{131/} A letter from Um Sim, Ambassador under the Lon Nol Government, from Cambodia, to Senator Thurmond dated August 8, 1973 which was introduced into the record, stated that Prince Sihanouk himself elected not to make an issue of the bombing, so long as the operations were conducted secretly and did not affect Cambodian citizens. ^{132/} Admiral Moorer also testified on August 9, 1973 that the "double reporting" system ^{133/} had been designed, among other things, to protect Prince Sihanouk and that it was his belief that Sihanouk had acquiesced in the bombing. ^{134/}

Secretary of State designate Kissinger testified at his nomination hearing on September 7, 1973 that

. . . we were faced here with a situation in which the North Vietnamese for years had been using Cambodia as a corridor for supplies. For years they had been using sanctuary areas right across the frontier from which they were staging operations against American forces and into which they then withdrew. It has always been considered axiomatic in international law that neutral countries have an obligation to prevent the use of their territory for hostile actions against other countries. And, therefore, the principle that one belligerent has a right to use neutral territory while the other belligerent has no right -- in the very limited areas that we are talking about, which were within a distance of some 10 miles from the frontier -- to attack the forces of a third country that had invaded that neutral ter-

^{131/} General Wheeler testimony, S.A.S.C. Hearings on Bombing in Cambodia, July 30, 1973, 137.

^{132/} Letter to Senator Thurmond from Um Sim, Ambassador from Cambodia, S.A.S.C. Hearings on Bombing in Cambodia, August 8, 1973, 366.

^{133/} Admiral Moorer testimony, S.A.S.C. Hearings on Bombing in Cambodia, August 9, 1973, 383.

^{134/} Ibid., 386.

ritory, and only those forces, the legal issue or for that matter the moral issue is at least not self-evident.

Second, we had a situation here in which the government of that country was either acquiescing or inviting this sort of pressure as a means of evicting these invading forces from its territory. 135/

He further stated that by April 30, the notion that the territory occupied by the North Vietnamese was not really Cambodian territory 136/ had become firmly fixed in everybody's mind.

After offering for the hearing record a transcript of Prince Sihanouk's May 13, 1969 press conference, Kissinger said that it indicated the Prince had been aware at that time of the Cambodian bombing operations, Kissinger added that it had been in Sihanouk's 137/ power to stop the bombing if he had protested, but that he did not.

On August 9, 1973, during the Senate Armed Services Committee hearings, Admiral Moorer noted that after the Lon Nol Government had come to power and the withdrawal of American ground troops, air operations had been necessary to support the Cambodians and South 138/ Vietnamese in attacking supply routes used by the enemy.

On September 10, 1973, the Department of Defense issued a White Paper on the Cambodian bombing, which was submitted for the record by Deputy Defense Secretary Clements during the Senate Armed

135/ Henry Kissinger testimony, Senate Foreign Relations Committee Hearings on Kissinger Nomination, September 7, 1973, 59.

136/ Ibid.

137/ Henry Kissinger testimony, Senate Foreign Relations Committee Hearings on Kissinger Nomination, September 7, 1973, 33.

138/ Admiral Moorer testimony, S.A.S.C. Hearings on Bombing in Cambodia, August 9, 1973, 432-33.

Services Committee hearings. The White Paper stated that air strikes west of the Mekong River after the withdrawal of ground troops had been necessary to support the Cambodian and South Vietnamese by 139/ attacks on supply routes.

The White Paper stated that:

The purpose of MENU was to protect American lives during the preparation for and actual withdrawal of U.S. military personnel from Southeast Asia by pre-empting imminent enemy offensive actions from the Cambodian sanctuaries into South Vietnam and against U.S. servicemen and women. 140/

2. Origin of "MENU" Reporting Procedures.

During the Senate Armed Services Committee hearings on July 30, 1973 General Wheeler was questioned about the responsibility for the development of the dual reporting system. Wheeler repeatedly stated that the President's directions for special security procedures for MENU operations had been general in nature. 141/ Wheeler further testified that the details had been worked out by "the military" in order to carry out the directive and simultaneously maintain the necessary logistical base. 142/ He said he did not know if anyone in the White House or the Joint Chiefs of Staff had approved the special security procedures, but Wheeler did acknowledge that he had received

139/ Department of Defense White Paper, September 10, 1973, 491.

140/ Ibid., 482-83.

141/ General Wheeler testimony, S.A.S.C. Hearings on Bombing in Cambodia, July 30, 1973, 144, 164.

142/ Ibid., 169.

a directive from the President after the beginning of the operation to ^{143/}
congratulate everyone on the maintenance of the high degree of secrecy.

General Abrams testified on August 8 that it was his "belief [and]
conviction" that the President had known the nature and extent of B-52
^{144/}
raids into Cambodia.

General Wheeler also testified that he did not recall any dis-
cussion concerning security and reporting procedures during meetings
of officials of the White House, the National Security Council or
other departments and agencies concerning the proposal for Cambodian
^{145/}
bombing.

Both General Wheeler on July 30, 1973 and Admiral Moorer on
August 9, 1973 testified in the S.A.S.C. Hearings that the Joint Chiefs
of Staff had not ordered the placing of false coordinates on the
operational reports filed in the JCS data base after MENU operations. ^{146/}

In response to Senator Harold Hughes' September 7, 1973
questions regarding the President's knowledge and approval of the
special security procedures for the Cambodian bombing, Kissinger
testified that "we" had no knowledge of the double bookkeeping system.

^{143/} Ibid., 173.

^{144/} General Abrams testimony, S.A.S.C. Hearings on Bombing in
Cambodia, August 8, 1973, 371.

^{145/} General Wheeler testimony, S.A.S.C. Hearings on Bombing in
Cambodia, July 30, 1973, 139, 169.

^{146/} Admiral Moorer testimony, S.A.S.C. Hearings on Bombing in
Cambodia, August 9, 1973, 436.

He later inserted for the record that:

. . . the President did not know of the dual reporting channels. The President, and the NSC unanimously did agree on the need for secrecy, however, for the reasons that have been explained. It was in carrying out this requirement that special double accounting procedures were developed within the Department of Defense. 147/

On August 2, 1973 Representative Hebert, Chairman, House Armed Services Committee, inserted into the Congressional Record a Department of Defense response to a special House Resolution requesting information on the extent of bombing in Laos and Cambodia from January 20, 1969 through April 30, 1970. The Department of Defense response stated that a dual reporting system had been established to maintain the security directed by senior civilian authorities; that the procedures had been developed by military authorities; and that no military or civilian authority had made or approved a decision to submit false documents to the Congress. 148/

3. Purpose of "MENU" Reporting Procedures.

Hal Knight, a former Air Force Major who participated in the MENU operation, testified at the S.A.S.C. hearings on July 16, 1973. In response to a question as to the purpose of the dual reporting system, he said, "I had to assume at that time that the purpose [of the false reporting] was . . . to deceive the Congress as to what was transpiring." 149/

147/ Henry Kissinger testimony, Senate Foreign Relations Committee Hearings on Kissinger Nomination, September 7, 1973, 243.

148/ Congressional Record, August 2, 1973, H 7340-42.

149/ Hal Knight testimony, S.A.S.C. Hearings on Bombing in Cambodia, July 16, 1973, 30.

General Wheeler, on July 30, 1973, testified that instead of false data being utilized, the special security procedures established a separate and highly classified system. ^{150/}

On August 8, 1973 during the S.A.S.C. hearings General Abrams stated that it was his belief that the false coordinates used in FREEDOM DEAL had been used only in special and individual strikes requested by him. He said that there had been no requirement to change anything in FREEDOM DEAL, or FREEDOM DEAL EXTENSION. "The authority to do that was clear, and the reporting was normal, and the procedures were normal," Abrams said. Abrams said that he had not authorized special security procedures for regular FREEDOM DEAL strikes. He stated that he reported the location of "Special" sortie strikes west of the Mekong River when they occurred to the Chairman, JCS and to CINCPAC. He stated that the special strikes were not included in certain operational reports by direction from the Chairman to him. ^{151/}

General Abrams also was asked whether it was possible that someone farther down his chain of command could have ordered dual reporting for regular FREEDOM DEAL sorties. He responded that:

^{150/} General Wheeler testimony, S.A.S.C. Hearings on Bombing in Cambodia, July 30, 1973, 186.

^{151/} General Abrams testimony, S.A.S.C. Hearings on Bombing in Cambodia, August 8, 1973, 362.

What appears to be the case, however, is that within the 7th Air Force operational chain, someone decided that it was also necessary to record those TACAIR strikes conducted under special authority (and reported in 'eyes only' channels) as if they had occurred in areas in which normal reporting procedures were used. As best I can determine, there was no attempt to deceive; rather it appears to have been an administrative solution to the problem of accounting for each gallon of fuel used, each bomb dropped, and each sortie flown against targets in Cambodia. 152/

During his testimony before the S.A.S.C. on August 9, 1973, Admiral Moorer testified that the reason he believed that cover targets had been used in some FREEDOM DEAL strikes was that these "special" FREEDOM DEAL strikes were conducted outside the generally 153/ authorized area for regular FREEDOM DEAL operations.

4. Practical Operation and Effect of "MENU" Reporting Procedures.

During the S.A.S.C. hearings on July 30, 1973, the following colloquy occurred concerning secrecy of the bombing:

Senator Byrd. Who made the decision to keep secret the bombing of Cambodia?

General Wheeler. That was made by the President.

* * *

Senator Symington. You and I were pretty good friends, why didn't you tell me about it [Cambodia bombing?]

General Wheeler. Sir, I was enjoined not to.

* * *

[T]he command from the very highest level enjoined us to secrecy, and there was no intention to deceive anybody, all we wanted was security. 154/

152/ Ibid., 362-65.

153/ Admiral Moorer testimony, S.A.S.C. Hearings on Bombing in Cambodia, August 9, 1973, 432.

154/ General Wheeler testimony, S.A.S.C. Hearings on Bombing in Cambodia, July 30, 1973, 167-68.

On July 17, 1973 in the same forum, General Brown testified [via letter] as to his opinion of the character of the reports. He said,

I do not believe it is correct to characterize reports under special security precautions directed by higher authority as 'false'. So long as the reports met in every detail the requirements imposed, they were not intended to deceive those with a security 'need to know'. 155/

On July 30, 1973 General Wheeler in response to a similar question whether the reporting system supplied false information, said, "It is quite true that one thing that went into the automated data bank was erroneous; that is, the location of certain of the strikes, which were shown as being in South Vietnam when they were actually in the border area of Cambodia" 156/

On September 7, 1973 Henry Kissinger testified before the Senate Foreign Relations Committee that as a Presidential Assistant and administrator of the National Security Council system, it had not been his function to approve or disapprove of withholding information regarding the bombing of Cambodia. He stated, however, that he was in agreement with the policy that had been pursued and that he believed the action itself had been correct. 157/ On the same day, in response to a question regarding the deception involved in the bombing of Laos

155/ General Brown testimony, S.A.S.C. Hearings on Bombing in Cambodia, July 16, 1973, 17. See also General Abrams testimony, S.A.S.C. Hearings on Bombing in Cambodia, August 8, 1973, 364.

156/ General Wheeler testimony, S.A.S.C. Hearings on Bombing in Cambodia, July 30, 1973, 139.

157/ Henry Kissinger testimony, Senate Foreign Relations Committee Hearings on Kissinger Nomination, September 7, 1973, 29.

and Cambodia, Kissinger offered for the hearing record a statement to the effect that he did not accept the premise that there had been deliberate deception in those cases. He further stated that the policy of no formal public acknowledgment of the bombing in Laos and Cambodia had been instituted for positive diplomatic reasons. ^{158/}

On use of a "cover story" on the bombing, Kissinger stated that it had been agreed at the National Security Council meeting where the operation was approved that the

formal press guidance would be there were attacks taking place northeast of Tay Ninh, without specifying exact location. We would neither agree nor deny any accusations that they were in Cambodia, but we would say they would be investigated; if the Cambodian government protested, we would apologize, and would admit that it had taken place. This was the press guidance that was agreed to at this National Security Council meeting, and it is to my knowledge the only press guidance that was ever discussed at the White House level. ^{159/}

5. Congressional Knowledge of "MENU" Reporting Procedures

In his testimony before the S.A.S.C. on July 30, 1973, General Wheeler stated that he "assumes" that either Secretary Laird or Henry Kissinger briefed Members of Congress as to the MENU operations, as that had been the "usual procedure." ^{160/} Deputy Secretary of Defense Clements and Admiral Moorer testified before the S.A.S.C. on August 9, 1973 that he had been told that Senators Russell, Dirksen, and Stennis, as well as

^{158/} Ibid., 37.

^{159/} Ibid., 30.

^{160/} General Wheeler testimony, S.A.S.C. Hearings on Bombing in Cambodia, July 30, 1973, 143.

Chairman Mahon of the House Appropriations Committee had been informed of the B-52 strikes. Admiral Moorer also said that if a briefing did happen, ^{161/} it had been a White House function rather than a military one.

The following colloquy occurred at the S.A.S.C. hearings between Senator Symington and Deputy Defense Secretary Clements:

Mr. Clements. I would further remind you, Mr. Chairman, that on the basis of the then existing procedures within the Congress and this committee, the chairman of the committee was fully informed.

Senator Symington. There was no agreed procedure of that kind at all.

Mr. Clements. I think under the circumstances --

Senator Symington. There is no rule of this committee that justifies that statement ^{162/}

Henry Kissinger testified on September 7, 1973 before the Senate Foreign Relations Committee that Members of Congress had been selectively informed about the bombing in Cambodia. He said that he himself had not selected the Members because he was too new in Washington to know who the appropriate people to be informed were, but certain ^{163/} Members of Congress had been informed about the bombing. Kissinger offered for the record a response to a question by Senator Symington regarding the deception involved in the bombing of Laos and Cambodia. A portion of that response stated the Congressional leaders had been

^{161/} Deputy Secretary of Defense Clements and Admiral Moorer testimony, S.A.S.C. Hearings on Bombing in Cambodia, August 9, 1973, 401.

^{162/} Ibid., 384.

^{163/} Henry Kissinger testimony, Senate Foreign Relations Committee Hearings on Kissinger Nomination, August 9, 1973, 60.

informed about CIA activities in Laos and the bombing in Cambodia, but that more thorough and systematic procedures for such consultation would have been desirable. 164/

On August 2, 1973, Representative Hebert inserted into the Congressional Record a DOD response to a special House resolution inquiring into the extent of American bombing in Laos and Cambodia from January 20, 1969 through April 30, 1970. The DOD stated, among other things, that Senators Russell, Stennis and Dirksen and Representatives Arends, Rivers and Ford had been advised of the Cambodian and Laotian bombing operations. 165/

The DOD White Paper released on September 10, 1973 and inserted into the S.A.S.C. hearing record, stated that

Some other members of Congress may have been advised, but the Department itself, holds no specific record detailing this. The Department understands that the decisions on whom to advise in the Congress were made by the notifying Executive Branch individuals who apparently took into account the extremely sensitive diplomatic situation and the strict orders for security. The restricting of MENU information within the Legislative Branch was consistent with similar restrictions within the Executive Branch. 166/

164/ Ibid., 37.

165/ Congressional Record August 2, 1973, H 7340-42.

166/ Department of Defense White Paper, September 10, 1973, 489.

6. Reasons for False Documentary Submissions

When the question of the reason for the submission of the false documentary data was raised in the earlier mentioned S.A.S.C. hearings on July 23, 1973, Pentagon spokesman Jerry Freidheim, Principal Deputy Assistant Secretary of Defense for Public Affairs, testified that the original figures submitted to the S.A.S.C. in the eighty-three page classified report had come out of the Joint Chiefs of Staff data base. He said that in that data base the statistics had been at a secret level, "not a level high enough to include the information about the strikes into Cambodia." The data had been retrieved, Freidheim stated, by technicians in the International Secret Affairs Office who were not aware of the discrepancy, and had been submitted for review to civilian officials who also were unaware of the true facts. ^{167/} Freidheim denied that the DOD "knowingly" submitted a false report to the S.A.S.C., stating the word "knowingly" was misleading, in that the officials who provided that information simply ^{168/} did not know it was incorrect.

On July 25, 1973 General Ryan, Chief of Staff of the Air Force when the eighty-three page report on bombing in Cambodia was submitted to the S.A.S.C., testified that he had not seen the data as constructed

^{167/} Jerry Freidheim testimony, S.A.S.C. Hearings on Bombing in Cambodia, July 23, 1973, 76, 80.

^{168/} Ibid.

by the staff who prepared it so he had not notified the Committee in ^{169/} his subsequent appearances before it that the data was inaccurate.

When asked about Secretary Elliot Richardson's role in the submission of the 83-page report to the Committee, Freidheim, on July 23, 1973 testified that about the time Secretary Richardson indicated to the Committee that he would supply the information requested, Richardson left the Department of Defense. Freidheim stated that as far as he was able to ascertain, there had been no accompanying signature on the report. ^{170/} Deputy Secretary of Defense Clements testified that Richardson had been aware of the MENU operations but had not personally reviewed the eighty-three page printout of statistical data on Cambodian bombing before it was submitted to the Senate Committee on Foreign Relations. ^{171/} Robert Seamans, Secretary of the Air Force at the time of the first submission of incorrect data to Congress, testified on July 25, 1973 that he had not been aware of the 1969-1970 Cambodian bombings either at the time of their occurrence or at the time of his submission of the inaccurate report to Congress, because he was not within the operational chain of command "in any legal or practical sense." He explained that the operational chain of command for military operations went from the Commander-in-Chief

^{169/} General John Ryan testimony, S.A.S.C. Hearings on Bombing in Cambodia, July 25, 1973, 106.

^{170/} Jerry Freidheim testimony, S.A.S.C. Hearings on Bombing in Cambodia, July 23, 1973, 75-76.

^{171/} William Clements testimony, S.A.S.C. Hearings on Bombing in Cambodia, August 9, 1973, 376.

to the Secretary of Defense to the Joint Chiefs of Staff. For "time-sensitive" operations, he stated, the chain continued from the Joint Chiefs to commanders of unified and specified commands and to operational units.^{172/}

General Abrams testified that he would in no way suggest that his recommendation in favor of the Cambodian bombing be kept from the proper Congressional committee nor from the American people.^{173/}

Deputy Secretary of Defense Clements and Admiral Moorer stated on the following day that they shared Abrams' opinion.^{174/}

General Wheeler testified on July 30, 1973 that if the person who transmitted the report on bombing statistics in Cambodia from the Department of Defense knew that it was incorrect, that person would have in effect falsified the report to Congress. He stated that falsification "contained the elements of an attempt to deceive, if you are intending to deceive, someone in authority, this is falsification, or a false report. If there is no such intent and it is not accomplished, there can't be falsification or false report."^{175/}

Deputy Secretary of Defense William Clements, asked on August 9, 1973 when he became aware that the submitted data was incorrect,

^{172/} Secretary of the Air Force Robert Seamans testimony, S.A.S.C. Hearings on Bombing in Cambodia, July 25, 1973, 90.

^{173/} General Abrams testimony, S.A.S.C. Hearings on Bombing in Cambodia, August 8, 1973, 351.

^{174/} Admiral Moorer and Deputy Secretary of Defense William Clements testimony, S.A.S.C. Hearings on Bombing in Cambodia, August 9, 1973, 440.

^{175/} General Wheeler testimony, S.A.S.C. Hearings on Bombing in Cambodia, July 30, 1973, 163.

testified that his staff learned of this during a review of the S.A.S.C. request to declassify former Secretary of Defense Richardson's 83-page report, submitted to the Committee in May, 1973. He said a major problem still existed at the time since the original strict security controls had never been relaxed. There were still "similarly persuasive" diplomatic reasons for continued classification at that time, Clements said.^{176/} He also testified that:

Our lack of accuracy in this case was in large measure due to two factors: (1) The extremely close control maintained over this information from its conceptual phases and until very recently, and (2) the lapse of over 3 years since the operations were terminated. ^{177/}

Clements said the declassified version of the report was incomplete in that the Cambodian sorties were not shown and inaccurate in the sense that the Cambodian sorties were affirmatively shown to have been targeted in South Vietnam.^{178/} However, Clements stated that those who submitted the data did so with no intent to deceive:

In all of these cases, the operations were fully authorized and directed by civilian authority, and accurate data were made available to all of those who had an operational or command need-to-know, but the data base that was in general use by those who did not have an operation or command need-to-know, did not reflect the same information on these operations. ^{179/}

^{176/} William Clements testimony, S.A.S.C. Hearings on Bombing in Cambodia, August 9, 1973, 376.

^{177/} Ibid.

^{178/} Ibid., 377.

^{179/} Ibid., 376.

The DOD White Paper of September 10, 1973, said that the erroneous information submitted to Congress was the result of "the high-security classification and closely-held character of the information"^{180/}

B. Public Statements.

1. Purpose of Bombing

On August 20, 1973, the President addressed the Veterans of Foreign Wars Convention and made his first major public statement on the bombing campaign in Cambodia. His remarks included the following:

Now, specifically, as some of you know, the President of the United States has been accused of a secret bombing campaign against the defenseless and neutral country of Cambodia in 1969. That was 2 months after I became President. I want to tell you the facts about that.

* * *

And so, what we find is the situation that we are referring to back there in 1969, so long ago when this war was at its height, when we were trying to do something to bring it to an honorable end, was that it was not the United States, but the North Vietnamese Communists who violated the neutrality of Cambodia.

The suggestion that these staging areas for enemy troops, supplies, and artillery a few thousand yards from American troops were what we call neutral territory, exempt from counterattack or bombing, is simply ludicrous. The Communists had made a mockery of the neutrality of these border regions. The United States was under no moral obligation to respect the sham.

^{180/} Department of Defense White Paper, September 10, 1973, 484.

By January of 1969, these enemy-occupied sanctuaries were no more neutral territory than was northern France or Belgium in the late spring of 1944 when those territories were occupied by the Germans.

* * *

This is the significant thing: The Cambodian Government did not object to the strikes.

In fact, while they were in progress in the spring of that year, Prince Sihanouk, then the leader of the Cambodian Government, personally invited me very warmly to make a state visit to the Cambodian capital. This is after the strikes had been going on for a long time. That is a pretty good indication of what he thought about what we were doing. . . ." 181/

In a letter to Speaker of the House Carl Albert dated August 3, 1973, President Nixon stated that "That attainment of a settlement in Cambodia has been the unremitting effort of this Administration, and 182/ we have had every confidence of being able to achieve that goal.

In a news conference on August 23, 1973, Henry Kissinger was asked to comment about Prince Sihanouk's recent claim that he neither approved nor in any way condoned the secret bombing. Kissinger replied that Sihanouk always took the view that he would not protest bombings in areas where there were no Cambodians, and that the record over the year they were considering did not indicate any Cambodian

181/ President Nixon remarks, 74th National Convention of the Veterans of Foreign Wars, August 20, 1973, 9 Presidential Documents, 1009-11.

182/ Department of State Bulletin, August 27, 1973, 304.

protest about the B-52 bombing. Kissinger stated that there were protests when tactical air strikes strayed across the border outside 183/ the zone of the B-52 operation.

2. Origin of "MENU" Reporting Procedures.

In a Department of Defense press briefing on July 17, 1973, Department spokesman Freidheim responded to the question "who ordered the falsification of the bombing?"

. . . those sorts of things would normally be discussed in the National Security Council's various deliberative groups, and I believe Mr. Warren at the White House yesterday said that the Secretary of Defense was among those who participated in that, and that's true. 184/

During that same press briefing, Freidheim stated that the "special security precautions obviously were known to all those involved in the operation -- the air crews, those who directed the air crews, those at SAC in the operations chain there, those in the Joint Staff and operations chain, the senior civilian officials of this building who were concerned with operation -- and I'm sure [it] was discussed in the NSC structure." In a July 19, 1973 Defense Department press briefing, Freidheim stated that Secretary Laird authorized and monitored the secret Cambodian bombing "using the accurate reports which

183/ Henry Kissinger news conference, August 23, 1973, 9 Presidential Documents, 1027-28.

184/ Department of Defense Morning Briefing, July 17, 1973, on file with Department of Defense. The Briefing Question and Answer form states, "This is not a verbatim transcript; it is prepared from notes which contain the sense of the answers."

he arranged to be provided to him." Mr. Freidheim continued that, "The requirement that there be special security was approved at the highest levels here in Washington. The field commands worked out the mechanics of how they were going to accomplish that." He further thought that the mechanics of it were no doubt worked out in the major ^{185/} command which would be SAC.

In a news conference held on August 20, 1973 Secretary of State Rogers was asked if he approved the dual reporting system on the bombing of Cambodia. Mr. Rogers responded, "No, I didn't approve it. ^{186/} I know nothing about it."

At a press briefing on August 29, 1973, Freidheim again stated that the bombing operations in Cambodia and the special security precautions surrounding them -- including use of cover targets -- were authorized in the NSC system and transcended the decision of the Secretary of Defense. He acknowledged that the National Security Council and the President had approved the use of cover strikes, and that the logical implication of the implementation of a cover story was the use of dual-reporting; that ordering cover stories was in effect ordering dual-reporting; that the person who came up with a dual-reporting system was simply complying with orders which were meant to include dual-reporting. Freidheim also stated that there

185/ Department of Defense Morning Briefing, July 19, 1973, on file with Department of Defense.

186/ Department of State Bulletin, September 10, 1973, 349, on file with Department of State.

was not a memo in Defense Department files involving General Wheeler asking Secretary Laird to obtain authority for MENU strikes, nor was there that sort of document for the first strike. Also at this briefing, Freidheim stated that the President authorized the bombing operation in Cambodia because he was sure it would save American lives during the withdrawal of American troops, and he directed that there be secrecy. ^{187/}

3. Practical Operation and Effect of "MENU" Procedures.

Freidheim stated on July 17, 1973 that he was informed of the bombing of Cambodia in 1969 to enable him to adopt the Department of Defense public position of "no comment" "which is the normal way that we would operate in a security situation. . . ." Commenting on the assertion that DOD had been misleading the press in press briefings during the period of the secret bombing, Freidheim continued:

We did not tell you at that time that those raids occurred in South Vietnam. There were stories written about this at the time, as you recall and questions did arise here. We did not tell you no raids occurred in Cambodia. We said that was a matter that we're not able to discuss. We neither confirmed or denied it. So in other words the special procedures didn't extend to us misleading or lying to you in the public arena. In our own reporting procedures they were extraordinary security precautions and they were for both the military and diplomatic sensitivity reasons that we mentioned here yesterday. ^{188/}

^{187/} Department of Defense Briefing, August 29, 1973, on file with the Department of Defense.

^{188/} Department of Defense Morning Briefing, July 17, 1973, on file with Department of Defense.

Freidheim explained how the special security procedures operated with respect to cover targets, and that accurate reports of the bombing "did flow through special channels and the accurate reports went to the people who had a need to know what was going on. The special procedures kept others that did not have a security need to know from being aware of those reports." These special procedures were "carried out precisely as directed by senior civilian and military officers here in Washington."^{189/}

At a press briefing on August 29, 1973, Freidheim further explained that the people who participated in the dual-reporting system did not perceive it to be false reporting or falsification of records; that they did exactly what they were directed to do, which was to provide one set of information listed on cover targets that could be available to anyone that needed to know that airplanes had flown too many hours and needed maintenance and another set of information that went to National Command Authorities.^{190/}

4. Congressional Knowledge of "MENU" Procedures.

At a press briefing on July 16, 1973, Freidheim stated that key Members of Congress, whom he would not name, were aware of U. S. bombings in Cambodia. He stated that those in Congress who were informed were in positions of responsibility for the Defense Department.^{191/} He repeated this statement in a press briefing on July 19,

^{189/} Ibid.

^{190/} Department of Defense Briefing, August 29, 1973, on file with Department of Defense.

^{191/} Department of Defense Briefing, July 16, 1973, on file with Department of Defense.

1973, but with the addendum that these key Members of Congress knew ^{192/} about the secret Cambodian bombing at the beginning of the operation. In response to the question at a July 17, 1973 news briefing whether the S.A.S.C. was told that the May 1973 Pentagon report to the Committee was incomplete, Freidheim stated, "I think, at least several members of the Committee were aware of this particular situation for many years back, including [at] the time it occurred."^{193/} At a press briefing on July 20, 1973, Freidheim stated that "some Members of the Senate Committee on Foreign Relations knew that things [bombings] had occurred in Cambodia in 1969 and early 1970 and there was no reason to think they could have misled when those sorties did not appear that were at a level of classification which was not sufficient to cover those operations . . ." He also stated that some Members ^{194/} knew of the double reporting system.

On August 20, 1973, the President, in his first public speech after the revelations of the pre-incursion bombing, stated in pertinent part:

Now, as for secrecy, as I have already indicated, the fact that the bombing was disclosed to appropriate Government leaders, the ones I just referred to, and to appropriate Congressional leaders, those in the Military Affairs Committee like Eddie Hebert; . . . although there was no secrecy as far as Government leaders were concerned, who had any right to know or need to know. ^{195/}

^{192/} Department of Defense Briefing, July 19, 1973, on file with Department of Defense.

^{193/} Department of Defense Morning Briefing, July 17, 1973, on file with Department of Defense.

^{194/} Department of Defense Briefing, July 20, 1973, on file with Department of Defense.

^{195/} President Nixon remarks, 74th National Convention of the Veterans of Foreign Wars, August 20, 1973, 9 Presidential Documents, 1011.

5. Reasons for False Documentary Submission to Congress.

On July 17, 1973 Freidheim stated that in the May 1973 report submitted by the Pentagon to the S.A.S.C., the Cambodian bombing figures were deliberately left out. Freidheim said that the determination to omit the material was made by "senior military and civilian officials" in Washington. The report, Freidheim stated, was "prepared and transmitted on behalf of the Chairman of the Joint Chiefs and the Secretary of Defense. . . ." 196/

Three days later Freidheim said that William Clements and Admiral Moorer were responsible for not including the true facts of the Cambodian bombing in the May report transmitted to the Senate 197/ Committee on Armed Services.

In his August 20, 1973 speech, the President said that

. . . what is most important, and here is the bottom line, soon after this bombing started, early in this Administration, there began a steady decline finally in American casualties along the Cambodian border, and the enemy was provided with one or more incentive to move to the conference table, which they began to do. The secrecy was necessary to accomplish these goals -- secrecy from the standpoint of making a big public announcement about it. . . .

Had we announced the air strikes, the Cambodian Government would have been compelled to protest, the bombing would have had to stop, and American soldiers would have paid the price for the disclosure and this announcement with their lives. 198/

196/ Department of Defense Morning Briefing, July 17, 1973, on file with Department of Defense.

197/ Department of Defense Morning Briefing, July 20, 1973, on file with Department of Defense.

198/ President Nixon remarks, 74th National Convention of the Veterans of Foreign Wars, August 20, 1973, 9 Presidential Documents, 1011.

6. Extent of Bombing and Related Matters.

On July 17, 1973 Freidheim stated in a press briefing that the B-52's did not bomb very far into Cambodia. "It was a matter all contained within those sanctuary areas -- you've seen the ovals drawn on the map."^{199/}

On July 18, 1973 in a press briefing, Freidheim said "there were six sanctuary areas which were involved in operation MENU -- one in the Tri-border area and five in the general area opposite MR-2 in the Fish-Hook. You'll notice there were none of the MENU flights down in the Parrots Beak. . . ."^{200 /}

In a news conference on August 22, 1973, the President was asked if he felt he owed an apology to the American people because in April, 1970 he reported that the United States had been strictly observing the neutrality of Cambodia, when there had been 15 months of bombing in Cambodia previous to his statement. The President replied as follows:

Certainly not, and certainly not to the Cambodian people, because as far as this area is concerned, the area of approximately 10 miles, which was bombed during this period, no Cambodians had been in it for years. It was totally occupied by the North Vietnamese Communists. . . . The bombing took place against those North Vietnamese forces in enemy-occupied territory. . . . ^{201/}

^{199/} Department of Defense Morning Briefing, July 17, 1973, on file with Department of Defense.

^{200/} Department of Defense Morning Briefing, July 18, 1973, on file with Department of Defense.

^{201/} President Nixon news conference, August 22, 1973, 9 Presidential Documents, 1024-25.

In a news conference on August 23, 1973, Henry Kissinger said that during the 14 months of secret bombing, the B-52 operations were confined to an area no deeper than 10 miles over the border. He stated that:

Occasionally, and I think very rarely, there were some tactical air operations when there were military activities on one side of the border. . . . The tactical air operations were not initiated unless there were North Vietnamese units that came across the border, and in the pursuit of them occasionally, but very rarely, some tactical air operations took place. They could have been deeper than 10 miles, but I doubt that they were very much deeper. 202/

At the press briefing on August 29, 1973, Freidheim stated that cover targets on the Vietnamese side of the border were bombed 203/ at the same time that Cambodian targets were struck.

202/ Henry Kissinger news conference, August 23, 1973, 9 Presidential Documents, 1026, 1028

203/ Department of Defense Morning Briefing, August 29, 1973, on file with Department of Defense.

APPENDICES



Appendix B

NATIONAL SECURITY COUNCIL

1969 - 1974

Members:

President:	Richard M. Nixon (1969 - present)
Vice President:	Spiro T. Agnew (Jan. 1969 - Oct. 10, 1973)
	Gerald R. Ford (Dec. 6, 1973 - present)
Secretary of State:	William P. Rogers (Jan. 22, 1969 - Sept. 3, 1973)
	Henry A. Kissinger (Sept. 22, 1973 - present)
Secretary of Defense:	Melvin Laird (Jan. 21, 1969 - Feb. 1973)

Advisors:

Director of Central Intelligence:	Richard Helms (Jan. 1969 - Feb. 2, 1973)
	William Colby (Sept. 1973 - present)
Director, Office of Emergency Preparedness: [NOTE: Mr. Lincoln left the National Security Council when the Office of Emergency Preparedness was abolished and became the Office of Preparedness]	George A. Lincoln (1969 - 1973)
Chairman, Joint Chiefs of Staff:	Earle G. Wheeler - Army (July 3, 1964 - July 1, 1970)
	Thomas H. Moorer - Navy (July 1, 1970 - present)
	George S. Brown - Air Force (effective July 1, 1974)

Officials:

Assistant to President for
National Security Affairs:

Henry A. Kissinger
(Jan. 21, 1969 - present)
(Kissinger still maintains that
status although he is also
Secretary of State)

(OEP) OFFICE OF EMERGENCY PREPAREDNESS

Dir.	1/20/69 - 1/20/73	George A. Lincoln
Act. Dir.	1/20/73 - 6/20/73	Darrell M. Trent
	6/30/73	OEP was abolished and taken into GSA to become O.P. (Office of Preparedness)
Act. Dir.	7/1/73 - 8/15/73	Haaken Lingond
Act. Dir.	8/15/73 - 10/24/73	Edward R. Saunders, Jr.
Dir.	10/24/73 - Present	Leslie W. Bray, Jr.

(CHM - JCS) CHAIRMAN - JOINT CHIEFS OF STAFF

7/3/64 - 7/1/70	Earle G. Wheeler - Army
7/1/70 - Present	Thomas Moorer - Navy
7/1/74	George S. Brown - Air Force

MEMBERS OF JOINT CHIEFS OF STAFF

NAVY - CHIEF OF NAVAL OPERATIONS

8/1/67 - 7/2/70	Thomas H. Moorer
7/1/70 - Present	Elmo R. Zumwalt
7/1/74	J. L. Holloway

ARMY - CHIEF OF STAFF

8/68 - 6/72	William Westmoreland
8/72 - Present	Creighton Abrams

AIR FORCE - CHIEF OF STAFF

2/65 - 7/31/69	John P. McConnell
8/1/69 - 7/31/73	John D. Ryan
8/1/73 - Present	George S. Brown
7/1/74	David C. Jones

MARINES - COMMANDANT

1/1/68 - 12/31/71	Leonard F. Chapman, Jr.
1/1/72 - Present	Robert E. Cushman, Jr.

(MACV) MILITARY ASSISTANCE COMMAND IN VIETNAM

7/68 - 6/72	Creighton Abrams
6/72 - 3/73	Frederick C. Weyand
3/73 - MACV was abolished.	

(CINCPAC) COMMANDER IN CHIEF IN THE PACIFIC

7/68 - 11/72	John McCain
11/72 - Present	Noel Gayler

(SAC) STRATEGIC AIR COMMAND

8/68 - 5/72	Bruce K. Holloway
5/72 - Present	John C. Meyer
8/74	Russel E. Dougherty

(7AF) 7th AIR FORCE

8/68 - 8/70	George S. Brown
9/70 - 7/71	Lucius D. Clay, Jr.
7/71 - 4/72	John L. Lavell
4/72 - 9/73	John W. Vott, Jr.
9/13 - Present	Timothy F. O'Keefe

Appendix C

GLOSSARY OF TERMS USED IN THE SENATE

ARMED SERVICES HEARINGS

"BOMBING IN VIETNAM"

ARC Light Strikes	Code name for B-52 air strikes
ARVN	Army, Republic of Vietnam
Blue Tree	Code name for reconnaissance activity in North Vietnam
CBU	Cluster bomb unit
CINCPAC	Commander in Chief, Pacific
CINCSAC	Commander in Chief, Strategic Air Command
COMBAT SKYSPOT	Ground directed radar for bombing operation. Used to direct aircraft throughout Southeast Asia. Operation permitted accurate strikes against enemy; connected with MENU when sorties occurred at night.
COMUSMACV	Commander, U.S. Military Assistance Command in Vietnam
COSVN	Commander of South Vietnam
CVG	Combat Evaluation Group. Organization that evaluates military operational reports.
DISUM	Daily intelligence summary
DOD	Department of Defense
"frags"	Field mission order for bombing strikes.

Glossary - continued

"hack"	. . . . .	Radio code word to signal the dropping of bombs
IP	. . . . .	Initiation point
ISA	. . . . .	International Security Affairs
JCS	. . . . .	Joint Chiefs of Staff
MACV	. . . . .	Military Assistance Group in Vietnam
MSQ sites	. . . . .	Radar directed bombing sites
NOFORN	. . . . .	Eyes only, top secret
NVA	. . . . .	North Vietnamese Army
NVN	. . . . .	North Vietnam
VC	. . . . .	Viet Cong Forces
OPREP system	. . . . .	(Operational reports); there are OPREP's 1, 2, 3, 4, 5.
PACAF	. . . . .	Commander, Pacific Armed Forces
PACOM	. . . . .	Pacific Command
PATIO	. . . . .	Fighter bomber (TACAIR) operations in Cambodia augmenting MENU operations from April - May, 1970.
Rolling Thunder	. . . . .	Nickname applied to the air command in North Vietnam prior to November, 1968
SAC	. . . . .	Strategic Air Command
Sacadvon	. . . . .	Strategic Air Command Advisory Group of Vietnam
Sortie	. . . . .	A bombing mission
SVN	. . . . .	South Vietnam

Glossary - continued

TACAIR Tactical air strikes. Air operations designed to support ground forces in contact with the enemy, and designed to have an immediate effect on the enemy. Fighter bombers usually employed for TACAIR.

TACC Tactical radar bombing, night bombing by radar

UCMJ Uniform Code of Military Justice

VHP's or 3 A's Helicopters used for missions

USSAG U.S. Support and Assistant Group

WAIS Weekly Air Intelligence Summaries

ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

LEGISLATIVE
AFFAIRS

December 11, 1973

Honorable Stuart Symington
Acting Chairman
Committee on Armed Services
United States Senate
Washington, D. C.

Dear Mr. Chairman:

The Department of Defense (DoD) report on Selected Air and Ground Operations in Cambodia and Laos noted that a separate report would be submitted containing a corrected update of the unclassified statistics provided in June 1973. This update is enclosed as Attachment 1 and includes data through August 15, 1973.

The DoD report also noted that the helicopter gunship data for Laos and Cambodia were being reviewed in light of the additional information provided on SALEM HOUSE and PRAIRIE FIRE operations. This review has established that the data provided in the DoD report on these sorties are still the best available. The review of all helicopter attack sorties in Laos and Cambodia indicates that only February 1972 statistics have changed. The May 1973 classified report indicated that there were 465 sorties in that month. This review has established that the proper number is 613. The totals should be changed accordingly.

Similarly, the DoD report indicated that we would verify the May 1973 classified data on fixed-wing gunship sorties. This review has established that changes should be made in these data for 1968, 1972 and 1973. These changes are listed in Attachment 2.

This completes the DoD review of these statistics. We are satisfied that further review would not result in any significant change. As you know, these statistics were accumulated principally to provide a

management tool for our administration and logisticians. While the statistics have served this purpose admirably, they were never intended to provide the basis for a detailed statistical audit of combat activities.

Sincerely,

A handwritten signature in dark ink, appearing to read "John G. Marsh, Jr.", with a long, sweeping horizontal stroke extending to the right.

John G. Marsh, Jr.
Assistant Secretary of Defense
for Legislative Affairs

Attachments

B-52 SORTIES

	<u>NORTH VN</u>	<u>SOUTH VN</u>	<u>NORTH LAOS</u>	<u>SOUTH LAOS</u>	<u>CAMBODIA</u>	<u>TOTAL</u>
<u>1965</u>						
Jan	0	0	0	0	0	0
Feb	0	0	0	0	0	0
Mar	0	0	0	0	0	0
Apr	0	0	0	0	0	0
May	0	0	0	0	0	0
Jun	0	27	0	0	0	27
Jul	0	140	0	0	0	140
Aug	0	165	0	0	0	165
Sep	0	322	0	0	0	322
Oct	0	291	0	0	0	291
Nov	0	310	0	0	0	310
Dec	0	283	0	24	0	307
TOTAL	0	1538	0	24	0	1562
<u>1966</u>						
Jan	0	347	0	24	0	371
Feb	0	274	0	39	0	313
Mar	0	332	0	66	0	398
Apr	44	261	0	112	0	417
May	0	309	0	102	0	311
Jun	0	330	0	65	0	395
Jul	0	413	0	18	0	431
Aug	0	411	0	39	0	450
Sep	93	292	0	48	0	433
Oct	57	286	0	65	0	408
Nov	0	504	0	27	0	531
Dec	86	531	0	42	0	659
TOTAL	280	4290	0	647	0	5217
<u>1967</u>						
Jan	6	615	0	112	0	733
Feb	0	630	0	76	0	706
Mar	0	599	0	211	0	810
Apr	18	485	0	320	0	823
May	26	686	0	96	0	808
Jun	0	671	0	161	0	832
Jul	30	600	0	206	0	836
Aug	120	596	0	116	0	832
Sep	432	401	0	0	0	833
Oct	386	424	0	39	0	849
Nov	117	568	0	131	0	816
Dec	229	336	0	243	0	808
TOTAL	1364	6611	0	1711	0	9686

B-52 SORTIES Cont.

	<u>NORTH VN</u>	<u>SOUTH VN</u>	<u>NORTH LAOS</u>	<u>SOUTH LAOS</u>	<u>CAMBODIA</u>	<u>TOTAL</u>
<u>1968</u>						
Jan	15	675	0	231	0	921
Feb	0	1299	0	160	0	1459
Mar	35	1633	0	184	0	1852
Apr	3	1463	0	320	0	1786
May	48	1355	0	451	0	1854
Jun	23	1611	0	129	0	1763
Jul	308	1307	0	199	0	1814
Aug	101	1741	0	6	0	1848
Sep	53	1656	0	78	0	1787
Oct	100	1478	0	271	0	1849
Nov	0	1125	0	661	0	1786
Dec	0	1162	0	687	0	1849
TOTAL	686	16505	0	3377	0	20568
<u>1969</u>						
Jan	0	788	0	1066	0	1854
Feb	0	1041	0	618	0	1659
Mar	0	1536	0	238	43	1822
Apr	0	946	0	738	96	1786
May	0	1467	0	264	102	1833
Jun	0	1246	0	261	204	1711
Jul	0	1224	0	417	90	1731
Aug	0	923	0	145	376	1444
Sep	0	647	0	286	413	1346
Oct	0	740	0	352	369	1461
Nov	0	502	0	565	338	1405
Dec	0	434	0	617	401	1452
TOTAL	0	11494	0	5567	2437	19498
<u>1970</u>						
Jan	0	450	0	680	315	1445
Feb	0	209	36	756	305	1306
Mar	0	275	36	866	266	1443
Apr	0	457	42	537	372	1408
May	0	383	33	320	706	1442
Jun	0	481	0	561	353	1395
Jul	0	584	0	669	191	1444
Aug	0	400	0	597	234	1231
Sep	0	308	0	574	104	986
Oct	0	81	0	930	3	1014
Nov	0	7	0	942	24	973
Dec	0	62	0	921	33	1016
TOTAL	0	3697	147	8353	2906	15103

B-52 SORTIES Cont.

	<u>NORTH VN</u>	<u>SOUTH VN</u>	<u>NORTH LAOS</u>	<u>SOUTH LAOS</u>	<u>CAMBODIA</u>	<u>TOTAL</u>
<u>1971</u>						
Jan	0	51	3	944	19	1017
Feb	0	46	36	805	40	927
Mar	0	32	12	1085	106	1235
Apr	0	276	26	783	107	1192
May	0	195	6	929	107	1237
Jun	0	318	21	582	63	984
Jul	0	317	9	642	45	1013
Aug	0	377	21	557	52	1007
Sep	0	342	9	508	130	989
Oct	0	186	9	583	221	999
Nov	0	148	7	625	185	965
Dec	0	98	111	537	244	990
TOTAL	0	2386	270	8580	1319	12555
<u>1972</u>						
Jan	0	184	192	541	100	1017
Feb	0	472	111	460	181	1224
Mar	0	630	310	370	252	1562
Apr	82	1590	37	49	48	1806
May	1	2223	0	39	27	2290
Jun	271	2191	0	88	196	2745
Jul	327	2576	0	8	147	3058
Aug	563	2307	11	9	181	3071
Sep	411	2154	98	25	297	2985
Oct	586	1914	120	90	215	2925
Nov	846	1767	116	33	163	2925
Dec	1353	1281	56	36	48	2774
TOTAL	4440	19289	1051	1748	1855	28383
<u>1973</u>						
Jan	533	1652	317	69	198	2769
Feb	0	0	695	754	60	1509
Mar	0	0	0	0	1225	1225
Apr	0	0	38	0	1865	1903
May	0	0	0	0	1672	1672
Jun	0	0	0	0	1170	1170
Jul	0	0	0	0	1200	1200
1-15 Aug	0	0	0	0	620	620
TOTAL	533	1652	1050	823	8010	12068

SOURCE:

Jan 1965 to Dec 1966 - JCS STRATOPS FILE

Jan 1967 to Aug 1973 - SAC COACT FILE

B-52 MUNITIONS (TONS)

	<u>NORTH VN</u>	<u>SOUTH VN</u>	<u>NORTH LAOS</u>	<u>SOUTH LAOS</u>	<u>CAMBODIA</u>	<u>TOTAL</u>
<u>1965</u>						
Jan	0	0	0	0	0	0
Feb	0	0	0	0	0	0
Mar	0	0	0	0	0	0
Apr	0	0	0	0	0	0
May	0	0	0	0	0	0
Jun	0	550	0	0	0	550
Jul	0	2843	0	0	0	2843
Aug	0	3419	0	0	0	3419
Sep	0	6720	0	0	0	6720
Oct	0	6071	0	0	0	6071
Nov	0	6470	0	0	0	6470
Dec	0	5467	0	469	0	5936
TOTAL	0	31540	0	469	0	32009

<u>1966</u>						
Jan	0	6030	0	412	0	6442
Feb	0	4756	0	673	0	5429
Mar	0	6160	0	1226	0	7386
Apr	1011	5961	0	2566	0	9538
May	0	6709	0	2225	0	8934
Jun	0	6420	0	1259	0	7679
Jul	0	8136	0	348	0	8484
Aug	0	7616	0	735	0	8351
Sep	1740	5455	0	898	0	8093
Oct	1131	5711	0	1293	0	8139
Nov	0	10042	0	540	0	10582
Dec	1828	11234	0	893	0	13955
TOTAL	5710	84230	0	13068	0	103008

<u>1967</u>						
Jan	120	12966	0	2248	0	15334
Feb	0	17492	0	1891	0	19385
Mar	0	16933	0	5430	0	22363
Apr	494	12834	0	7914	0	21242
May	665	17893	0	2136	0	20694
Jun	0	17204	0	4226	0	21430
Jul	722	15902	0	5735	0	22359
Aug	3240	16824	0	3183	0	23247
Sep	12992	11935	0	0	0	24927
Oct	11411	12678	0	1217	0	25306
Nov	3651	17054	0	3686	0	24391
Dec	7248	10048	0	7325	0	24621
TOTAL	40543	179763	0	44991	0	265297

B-52 MUNITIONS Cont.

	<u>NORTH VN</u>	<u>SOUTH VN</u>	<u>NORTH LAOS</u>	<u>SOUTH LAOS</u>	<u>CAMBODIA</u>	<u>TOTAL</u>
<u>1968</u>						
Jan	480	19873	0	6875	0	27228
Feb	0	36357	0	4678	0	41035
Mar	1035	47176	0	5226	0	53437
Apr	101	41356	0	9029	0	50486
May	1285	38008	0	12564	0	51857
Jun	643	44777	0	3630	0	49050
Jul	8842	36651	0	5562	0	51055
Aug	2769	47833	0	144	0	50746
Sep	1447	44778	0	2131	0	48356
Oct	2661	39461	0	7221	0	49343
Nov	0	29879	0	17408	0	47287
Dec	0	32547	0	18731	0	51278
TOTAL	<u>19263</u>	<u>458696</u>	<u>0</u>	<u>93199</u>	<u>0</u>	<u>571158</u>
<u>1969</u>						
Jan	0	22136	0	30088	0	52224
Feb	0	26342	0	17393	0	43735
Mar	0	43248	0	6512	1386	51146
Apr	0	26799	0	20963	2747	50509
May	0	41266	0	7454	2934	51654
Jun	0	33795	0	7043	5821	46659
Jul	0	35180	0	11599	2534	49313
Aug	0	26851	0	3978	10822	41651
Sep	0	18484	0	8295	11979	38758
Oct	0	21868	0	10174	10779	42821
Nov	0	15229	0	16895	9833	41957
Dec	0	13452	0	18090	11665	43207
TOTAL	<u>0</u>	<u>324650</u>	<u>0</u>	<u>158484</u>	<u>70500</u>	<u>553634</u>
<u>1970</u>						
Jan	0	12563	0	19953	9038	41554
Feb	0	6650	1078	22270	9065	39063
Mar	0	8364	1166	25622	7694	42846
Apr	0	11882	1180	14072	9546	36680
May	0	9190	793	7691	17009	34683
Jun	0	11251	0	13179	8318	32748
Jul	0	16280	0	16061	4589	36930
Aug	0	9591	0	14346	5586	29523
Sep	0	7395	0	13777	2499	23671
Oct	0	1946	0	22326	73	24345
Nov	0	169	0	22616	577	23362
Dec	0	1492	0	22120	792	24404
TOTAL	<u>0</u>	<u>96773</u>	<u>4217</u>	<u>214033</u>	<u>74786</u>	<u>389809</u>

B-52 MUNITIONS Cont.

	<u>NORTH VN</u>	<u>SOUTH VN</u>	<u>NORTH LAOS</u>	<u>SOUTH LAOS</u>	<u>CAMBODIA</u>	<u>TOTAL</u>
<u>1971</u>						
Jan	0	1226	72	22683	457	24438
Feb	0	1104	865	19338	962	22269
Mar	0	995	326	32012	3043	36376
Apr	0	9477	901	26831	3593	40802
May	0	5571	151	26368	2961	35051
Jun	0	7635	506	14026	1542	23709
Jul	0	7604	217	15391	1059	24271
Aug	0	9060	504	13368	1231	24163
Sep	0	8212	216	12233	3110	23771
Oct	0	4453	217	14006	5298	23974
Nov	0	3542	166	15022	4450	23180
Dec	0	2353	2372	12671	5861	23257
TOTAL	0	61232	6513	223949	33567	325261
<u>1972</u>						
Jan	0	4423	4618	10617	2271	21929
Feb	0	11369	2692	11126	4346	29533
Mar	0	15181	7460	9050	6018	37709
Apr	2200	38010	956	1190	1179	43535
May	0	49859	0	867	506	51232
Jun	6474	41401	0	2059	3706	53640
Jul	7194	44153	0	172	2502	54021
Aug	12900	46861	249	196	3686	63892
Sep	9651	33999	2288	489	5079	51506
Oct	11789	32866	2884	2157	4054	53750
Nov	18718	26474	2651	673	2803	51319
Dec	28924	18983	1299	712	749	50667
TOTAL	97850	363579	25097	39308	36899	562733
<u>1973</u>						
Jan	11096	27910	7638	3085	3558	53287
Feb	0	0	14109	18268	1300	33677
Mar	0	0	0	0	24309	24309
Apr	0	0	800	0	35042	35842
May	0	0	0	0	35997	35997
Jun	0	0	0	0	27649	27649
Jul	0	0	0	0	27679	27679
1-15 Aug	0	0	0	0	12565	12565
TOTAL	11096	27910	22547	21353	168099	251005

SOURCE:

Jan 1965 - Dec 1965 JCS STRATOPS FILE

Jan 1966 - Dec 1966 ASD (C) Table Y as modified

Jan 1967 - Aug 1973 SAC COACT

FIGHTER BOMBER ATTACK SORTIES

	<u>NVN</u>	<u>SVN</u>	<u>LAOS*</u>	<u>N.LAOS</u>	<u>S.LAOS</u>	<u>CAMBODIA</u>	<u>TOTAL</u>
<u>1964</u>							
Jan	0	0	0			0	0
Feb	0	0	0			0	0
Mar	0	0	0			0	0
Apr	0	0	0			0	0
May	0	0	0			0	0
Jun	0	404	8			0	412
July	0	214	0			0	214
Aug	59	261	0			0	320
Sep	0	327	0			0	327
Oct	0	400	0			0	400
Nov	0	441	0			0	441
Dec	0	573	20			0	593
TOTAL	59	2620	28			0	2707
<u>1965</u>							
Jan	0	737	66			0	803
Feb	221	1179	188			0	1588
Mar	585	1834	381			0	2800
Apr	1498	1991	420			0	3909
May	1511	2634	344			0	4489
Jun	2307	2525	296			0	5128
Jul	3143	8121	1005			0	12269
Aug	3431	8738	724			0	12893
Sep	3983	8654	1041			0	13678
Oct	3441	9210		530	436	0	13617
Nov	3118	10071		517	952	0	14658
Dec	2170	10227		707	2316	0	15420
TOTAL	25408	65921	4465	1754	3704	0	101252
<u>1966</u>							
Jan	132	9278		1052	6948	0	17410
Feb	2809	10149		701	4561	0	18220
Mar	4484	12286		819	5428	0	23017
Apr	5261	8891		813	5231	0	20196
May	4362	9147		631	3669	0	17809
Jun	7522	9960		352	3090	0	20924
Jul	9955	12053		406	1728	0	24142
Aug	11790	11118		146	674	0	23728
Sep	12243	10274		418	843	0	23778
Oct	8654	9472		440	1872	0	20438
Nov	7257	10410		530	2497	0	20694
Dec	6668	10607		438	4403	0	22116
TOTAL	81137	123645		6746	40944	0	252472

* Available source data does not permit geographical separation of Laotain sorties prior to Oct 1965.

Fighter-bomber attack sorties, cont'd

	<u>NORTH VN</u>	<u>SOUTH VN</u>	<u>NORTH LAOS</u>	<u>SOUTH LAOS</u>	<u>CAMBODIA</u>	<u>TOTAL</u>
<u>1967</u>						
Jan	6598	11934	496	4947	0	23975
Feb	5482	11476	394	6289	0	23641
Mar	8491	13998	475	4634	0	27598
Apr	8945	13402	241	4625	0	27213
May	11276	15603	370	2187	0	29436
Jun	11457	13915	410	1031	0	26813
Jul	11235	15401	340	949	0	27925
Aug	11725	13902	452	811	0	26890
Sep	8470	14763	415	1283	0	24931
Oct	8987	14102	613	2326	0	26028
Nov	7192	13455	674	3718	0	25039
Dec	<u>5718</u>	<u>13152</u>	<u>903</u>	<u>5819</u>	<u>0</u>	<u>25592</u>
TOTAL	105576	165103	5783	38619	0	315081
<u>1968</u>						
Jan	6351	14652	798	7391	0	29192
Feb	3281	16070	995	5096	0	25442
Mar	5106	17114	984	6121	0	29325
Apr	7259	16578	249	6517	0	30703
May	9739	20034	877	2721	0	33371
Jun	10375	19502	618	1745	0	32240
Jul	14339	17338	885	1843	0	34405
Aug	12940	18750	811	1745	0	34246
Sep	10593	16490	961	2110	0	30154
Oct	11836	13754	687	4062	0	30339
Nov	330	14441	1304	11492	0	27567
Dec	<u>75</u>	<u>15535</u>	<u>1622</u>	<u>13488</u>	<u>0</u>	<u>30720</u>
TOTAL	92224	200258	10891	64331	0	367704
<u>1969</u>						
Jan	26	14483	1171	12336	0	28016
Feb	6	13073	947	11582	0	25608
Mar	27	15029	1216	11941	0	28213
Apr	10	14913	1593	11096	0	27612
May	92	15100	1820	9717	2	26731
Jun	75	15179	1924	9623	8	26809
Jul	4	13663	3535	7789	0	24991
Aug	6	13995	4598	6057	0	24656
Sep	2	10273	4260	6069	0	20604
Oct	4	8134	5006	5415	0	18559
Nov	33	8421	3051	8421	2	19928
Dec	<u>0</u>	<u>8058</u>	<u>3247</u>	<u>10088</u>	<u>8</u>	<u>21401</u>
TOTAL	285	150321	32368	110134	20	293128

Fighter-bomber attack sorties, cont'd

	<u>NORTH VN</u>	<u>SOUTH VN</u>	<u>NORTH LAOS</u>	<u>SOUTH LAOS</u>	<u>CAMBODIA</u>	<u>TOTAL</u>
<u>1970</u>						
Jan	10	8209	3351	10408	0	21978
Feb	20	6677	3825	8690	0	19212
Mar	128	7823	3457	8875	0	20283
Apr	54	8886	3396	6898	74	19308
May	489	8148	2151	6518	5116	22422
Jun	22	7158	1281	3443	3401	15305
Jul	6	7486	1442	4432	754	14120
Aug	11	6827	1360	3504	1398	13100
Sep	8	5586	810	2691	1056	10151
Oct	0	2738	687	4141	393	7959
Nov	253	2482	712	6346	327	10120
Dec	2	2192	829	8201	1199	12423
TOTAL	<u>1003</u>	<u>74212</u>	<u>23301</u>	<u>74147</u>	<u>13718</u>	<u>186381</u>
<u>1971</u>						
Jan	9	2100	697	9294	1482	13582
Feb	77	1649	1001	8650	1635	13012
Mar	265	1745	1588	11117	1559	16274
Apr	18	2487	1531	7651	1624	13311
May	16	1387	1481	7456	1290	11630
Jun	1	1529	1220	5073	1646	9469
Jul	4	1334	664	2969	881	5852
Aug	14	1602	692	2524	743	5575
Sep	208	1113	960	2858	825	5964
Oct	4	865	787	2664	953	5273
Nov	33	218	795	4953	1228	7227
Dec	<u>1056</u>	<u>94</u>	<u>989</u>	<u>4700</u>	<u>1288</u>	<u>8127</u>
TOTAL	<u>1705</u>	<u>16123</u>	<u>12405</u>	<u>69909</u>	<u>15154</u>	<u>115296</u>
<u>1972</u>						
Jan	61	172	1272	5981	776	826
Feb	177	1514	1077	5378	1107	925
Mar	133	400	1178	7483	885	1007
Apr	1895	10526	417	1713	441	1499
May	6108	12269	153	581	193	1930
Jun	6594	9540	67	302	466	1696
Jul	6761	8775	39	121	383	1607
Aug	7037	8249	163	100	837	1638
Sep	6405	5491	497	68	494	1295
Oct	5050	5908	532	335	396	1222
Nov	3412	7516	777	1025	320	1305
Dec	<u>3097</u>	<u>5833</u>	<u>946</u>	<u>1071</u>	<u>404</u>	<u>1135</u>
TOTAL	<u>46730</u>	<u>76193</u>	<u>7118</u>	<u>24158</u>	<u>6702</u>	<u>16090</u>

Fighter-bomber attack sorties, cont'd

	<u>NORTH VN</u>	<u>SOUTH VN</u>	<u>NORTH LAOS</u>	<u>SOUTH LAOS</u>	<u>CAMBODIA</u>	<u>TOTAL</u>
<u>1973</u>						
Jan	1677	6705	1962	2763	779	13886
Feb	0	0	1972	4229	327	6528
Mar	0	0	0	0	3477	3477
Apr	0	0	26	0	4403	4429
May	0	0	0	0	4898	4898
Jun	0	0	0	0	5064	5064
Jul	0	0	0	0	5818	5818
1-15 Aug	0	0	0	0	3072	3072
TOTAL	<u>1677</u>	<u>6705</u>	<u>3960</u>	<u>6992</u>	<u>27838</u>	<u>47172</u>

SOURCE:

1964 - OPREA file plus Navy provided information.

1965-1971 - OPREA file and special mission data.

1972-Aug 1973 - SEADAB file

NOTE: Some degree of error may be expected in this and succeeding tables, primarily as a result of imprecise location of borders and disputed claims. Deviation from earlier release figures may also be expected as a result of a continuing update process

Fighter-Bomber Munitions (Tons):

	<u>NORTH VN</u>	<u>SOUTH VN</u>	<u>NORTH LAOS</u>	<u>SOUTH LAOS</u>	<u>CAMBODIA</u>	<u>TOTAL</u>
<u>1964</u>						
Jan	0	0	0	0	0	0
Feb	0	0	0	0	0	0
Mar	0	0	0	0	0	0
Apr	0	0	0	0	0	0
May	0	0	0	0	0	0
Jun	0	501	10	0	0	511
Jul	0	265	0	0	0	265
Aug	154	324	0	0	0	478
Sep	0	406	0	0	0	406
Oct	0	496	0	0	0	496
Nov	0	547	0	0	0	547
Dec	0	711	26	0	0	737
TOTAL	<u>154</u>	<u>3250</u>	<u>36</u>	<u>0</u>	<u>0</u>	<u>3440</u>

<u>1965</u>						
Jan	0	914	84	0	0	998
Feb	336	1462	239	0	0	2037
Mar	889	2274	484	0	0	3647
Apr	2277	2469	533	0	0	5279
May	2297	3266	437	0	0	6000
Jun	3507	3131	376	0	0	7014
Jul	4777	10070	1276	0	0	16123
Aug	5215	10835	920	0	0	16970
Sep	6054	10731	1322	0	0	18107
Oct	6211	13292	785	646	0	20933
Nov	5094	15518	1056	1944	0	23613
Dec	3897	12858	1131	3705	0	21591
TOTAL	<u>40554</u>	<u>86820</u>	<u>8843</u>	<u>6295</u>	<u>0</u>	<u>142312</u>

<u>1966</u>						
Jan	273	15290	1776	11730	0	29069
Feb	4780	13356	1360	8845	0	28341
Mar	7728	14473	1009	6689	0	29899
Apr	7810	10602	904	5817	0	25133
May	7472	8715	719	4182	0	21068
Jun	10646	9988	334	2926	0	23894
Jul	16098	12521	382	1628	0	30629
Aug	17325	12713	125	575	0	30735
Sep	16074	11356	110	223	0	27763
Oct	12898	12038	272	1156	0	26864
Nov	11142	15824	641	3023	0	30630
Dec	10948	16226	554	5572	0	33300
TOTAL	<u>123194</u>	<u>153102</u>	<u>8186</u>	<u>52366</u>	<u>0</u>	<u>303545</u>

Fighter Bomber Munitions, cont'd -

	<u>NORTH VN</u>	<u>SOUTH VN</u>	<u>NORTH LAOS</u>	<u>SOUTH LAOS</u>	<u>CAMBODIA</u>	<u>TOTAL</u>
<u>1967</u>						
Jan	11372	19148	856	8536	0	39912
Feb	10430	18227	679	10835	0	40171
Mar	15861	20747	868	8466	0	45942
Apr	17256	21579	468	8972	0	48275
May	20601	25462	708	4186	0	50957
Jun	24179	24738	661	1663	0	51241
Jul	20925	28141	484	1352	0	50902
Aug	22189	23025	899	1613	0	47726
Sep	17080	26577	775	2395	0	46827
Oct	18430	29987	1373	5212	0	55009
Nov	14777	29554	1514	8354	0	54199
Dec	12685	26090	1618	10424	0	50817
TOTAL	<u>205785</u>	<u>293275</u>	<u>10903</u>	<u>72008</u>	<u>0</u>	<u>581978</u>
<u>1968</u>						
Jan	14449	26996	1399	12965	0	55809
Feb	7756	30066	1775	9080	0	48685
Mar	9663	23970	1464	9108	0	44205
Apr	19604	28979	704	13140	0	62427
May	21352	31317	1786	5541	0	59996
Jun	24934	31661	1694	4782	0	63079
Jul	30872	28430	1619	3373	0	64294
Aug	28739	30816	1686	3628	0	64809
Sep	24072	30153	2090	4590	0	60905
Oct	25897	23180	1236	7307	0	57620
Nov	638	24918	12796	12885	0	51237
Dec	92	24481	3256	27122	0	54991
TOTAL	<u>208068</u>	<u>334967</u>	<u>31505</u>	<u>113529</u>	<u>0</u>	<u>688067</u>
<u>1969</u>						
Jan	21	29877	2656	27981	0	60535
Feb	26	24934	2314	28298	0	55572
Mar	72	32512	3148	30918	0	66650
Apr	76	29979	3927	27355	0	61337
May	213	28525	4306	22989	3	56036
Jun	190	31221	4990	24957	11	61369
Jul	2	33119	9728	21436	0	64285
Aug	32	31899	12451	16402	0	60784
Sep	1	21164	10581	15690	0	47436
Oct	2	15429	11912	12886	0	40229
Nov	24	16857	7714	21293	4	45892
Dec	0	13396	7943	24676	13	46028
TOTAL	<u>659</u>	<u>308912</u>	<u>81670</u>	<u>274881</u>	<u>31</u>	<u>666153</u>

Figher-bomber Munitions, cont'd

	<u>NORTH VN</u>	<u>SOUTH VN</u>	<u>NORTH LAOS</u>	<u>SOUTH LAOS</u>	<u>CAMBODIA</u>	<u>TOTAL</u>
<u>1970</u>						
Jan	25	15451	9278	28815	0	53569
Feb	59	13878	9899	22491	0	46327
Mar	325	12418	7560	19410	0	39713
Apr	133	14336	7445	15122	77	37113
May	1214	16719	4733	14344	6912	43922
Jun	48	14502	3083	8286	4531	30450
Jul	15	15184	3441	10578	996	30214
Aug	24	13364	3241	8349	2006	26984
Sep	18	10677	1932	6417	1593	20637
Oct	0	5412	991	10302	759	17464
Nov	600	4972	1700	15150	681	23103
Dec	6	4282	2060	20379	1866	28593
TOTAL	<u>2467</u>	<u>141195</u>	<u>55363</u>	<u>179643</u>	<u>19421</u>	<u>398089</u>
<u>1971</u>						
Jan	6	4627	2082	21760	1992	30467
Feb	171	6340	2619	21210	2248	32588
Mar	679	6662	5036	28176	2449	43002
Apr	12	8204	4700	21663	2284	36863
May	39	5162	6580	18319	2286	32386
Jun	6	4261	3385	13493	3650	24975
Jul	5	3709	1924	8096	1352	15086
Aug	17	6825	2114	6631	1387	16974
Sep	693	3398	3977	7982	3378	19428
Oct	2	2061	2292	7062	2099	13516
Nov	64	661	1952	11499	1012	15188
Dec	989	253	2331	12104	5810	21487
TOTAL	<u>2683</u>	<u>52163</u>	<u>38992</u>	<u>177995</u>	<u>29947</u>	<u>301780</u>
<u>1972</u>						
Jan	128	424	3546	14933	1697	20728
Feb	350	6115	2763	12402	1949	23579
Mar	221	916	3087	16845	1160	22229
Apr	4946	25106	913	3716	884	35565
May	13408	28898	230	1318	253	44107
Jun	13752	23141	104	656	1264	38917
Jul	16125	24487	82	256	645	41595
Aug	17429	19147	366	182	2704	39828
Sep	19967	14367	1271	157	667	36429
Oct	15535	13567	1497	933	684	32216
Nov	8600	20041	4059	2994	628	36322
Dec	7320	11665	4139	3273	3978	30375
TOTAL	<u>117781</u>	<u>187874</u>	<u>22057</u>	<u>57665</u>	<u>16513</u>	<u>401890</u>

Fighter-bomber Munitions, cont'd

	<u>NORTH VN</u>	<u>SOUTH VN</u>	<u>NORTH LAOS</u>	<u>SOUTH LAOS</u>	<u>CAMBODIA</u>	<u>TOTAL</u>
<u>1973</u>						
Jan	4301	13021	7667	6532	1613	33134
Feb	0	0	7163	12610	802	20575
Mar	0	0	0	0	9856	9856
Apr	0	0	163	0	14972	15135
May	0	0	0	0	15638	15638
Jun	0	0	0	0	17005	17005
Jul	0	0	0	0	19157	19157
1-15	0	0	0	0	10323	10323
TOTAL	<u>4301</u>	<u>13021</u>	<u>14993</u>	<u>19142</u>	<u>89366</u>	<u>140823</u>

SOURCE:

- Jan 1964 to Dec 1965 - Computed using factors and sorties from JCS OPREA File.
- Jan 1966 to May 1970 - ASD (C) Table Y, nominal factors, classified data.
- Jun 1970 to Dec 1970- Computed using factors and sorties from JCS OPREA File.
- Jan 1971 to Aug 1973 - 7 AF SEADAB and MINEA File.

Appendix E

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FIGHTER-BOMBER ATTACK SORTIES

	North Vietnam	South Vietnam	Laos	Cambodia	Total
1965:					
January.....	0	737	66		803
February.....	221	1,179	188		1,583
March.....	585	1,834	391		2,800
April.....	1,498	1,991	420		3,909
May.....	1,511	2,634	344		4,489
June.....	2,307	2,525	296		5,128
July.....	3,143	8,121	1,005		12,269
August.....	3,431	8,738	724		12,893
September.....	3,983	8,654	1,041		13,678
October.....	3,441	9,210	966		13,617
November.....	3,118	10,071	1,469		14,658
December.....	2,170	10,227	3,023		15,420
Total.....	25,408	65,921	9,923		101,252
1966:					
January.....	132	9,278	8,000		17,410
February.....	2,809	10,149	5,262		18,220
March.....	4,484	12,286	6,247		23,017
April.....	5,261	8,891	6,044		20,196
May.....	4,362	9,147	4,300		17,809
June.....	7,522	9,960	3,442		20,924
July.....	9,955	12,053	2,134		24,142
August.....	11,790	11,118	820		23,728
September.....	12,243	10,274	1,261		23,778
October.....	8,654	9,472	2,312		20,438
November.....	7,257	10,410	3,027		20,694
December.....	6,668	10,607	4,841		22,116
Total.....	81,137	123,645	47,690		252,472
1967:					
January.....	6,598	11,934	5,443		23,975
February.....	5,482	11,476	6,683		23,641
March.....	8,491	13,998	5,109		27,598
April.....	8,945	13,402	4,866		27,213
May.....	11,276	15,603	2,557		29,436
June.....	11,457	13,915	1,441		26,813
July.....	11,235	15,401	1,289		27,925
August.....	11,725	13,902	1,263		26,890
September.....	8,470	14,763	1,698		24,931
October.....	8,987	14,102	2,939		26,028
November.....	7,192	13,455	4,392		25,039
December.....	5,718	13,152	6,722		25,592
Total.....	105,576	165,103	44,402		315,081
1968:					
January.....	6,351	14,652	8,191		29,194
February.....	3,281	16,070	6,091		25,442
March.....	5,106	17,114	7,105		29,325
April.....	7,259	16,578	6,866		30,703
May.....	9,739	20,034	3,598		33,371
June.....	10,375	19,502	2,363		32,240
July.....	14,339	17,338	2,728		34,405
August.....	12,940	18,750	2,556		34,246
September.....	10,593	16,490	3,071		30,154
October.....	11,836	13,754	4,749		30,339
November.....	330	14,441	12,796		27,567
December.....	75	15,535	15,133		30,743
Total.....	92,224	200,258	75,247		367,729
1969:					
January.....	26	14,483	13,507		28,016
February.....	11	13,073	12,529		25,603
March.....	27	15,029	13,157		28,213
April.....	10	14,913	12,689		27,612
May.....	92	15,100	11,537	2	26,731
June.....	75	15,179	11,547	8	26,809
July.....	4	13,663	11,324		24,991
August.....	6	13,995	10,655		24,656
September.....	2	10,273	10,329		20,604
October.....	4	8,134	10,421		18,559
November.....	33	8,421	11,472	2	19,928
December.....	0	8,058	13,335	8	21,401
Total.....	285	150,321	142,502	20	293,128

FIGHTER-BOMBER ATTACK SORTIES—Continued

	North Vietnam	South Vietnam	Laos	Cambodia	Total
1970:					
January.....	10	8,209	13,759		21,978
February.....	20	6,677	12,515		19,212
March.....	128	7,823	12,332		20,283
April.....	54	8,886	10,294	2	19,236
May.....	489	8,148	8,701	5,032	22,370
June.....	22	7,158	4,724	3,401	15,305
July.....	6	7,486	5,874	754	14,120
August.....	11	6,827	4,864	1,398	13,100
September.....	8	5,586	3,501	1,056	10,151
October.....	0	2,738	4,828	393	7,959
November.....	253	2,482	7,058	327	10,120
December.....	2	2,192	9,030	1,199	12,423
Total.....	1,003	74,212	97,480	13,562	186,257
1971:					
January.....	9	2,100	9,991	1,482	13,582
February.....	77	1,649	9,651	1,635	13,012
March.....	265	1,745	12,705	1,559	16,274
April.....	18	2,487	9,182	1,624	13,311
May.....	16	1,387	8,937	1,290	11,630
June.....	1	1,529	6,293	1,646	9,469
July.....	4	1,334	3,633	881	5,852
August.....	14	1,602	3,216	743	5,575
September.....	208	1,113	3,818	825	5,964
October.....	4	865	3,451	953	5,273
November.....	33	218	5,748	1,228	7,227
December.....	1,056	94	5,689	1,288	8,127
Total.....	1,705	16,123	82,314	15,154	115,296
1972:					
January.....	61	172	7,256	778	8,267
February.....	183	1,510	6,457	1,108	9,258
March.....	132	400	8,663	885	10,080
April.....	1,891	10,523	2,136	440	14,990
May.....	6,042	12,267	734	193	19,236
June.....	6,417	9,538	368	465	16,789
July.....	6,651	8,770	160	383	15,964
August.....	6,991	8,205	259	829	16,284
September.....	6,343	5,469	568	496	12,876
October.....	5,077	6,318	862	400	12,657
November.....	3,364	7,702	1,800	319	13,185
December.....	3,034	5,790	1,997	405	11,225
Total.....	46,186	76,664	31,260	6,702	160,812
1973:					
January.....	1,663	6,695	4,721	777	13,856
February.....	0	0	6,199	327	6,526
March.....	0	0	0	3,477	3,477
Total.....	1,663	6,695	10,920	4,581	23,859

¹ Some degree of error may be expected in these tables, primarily as a result of imprecise location of borders and disputed claims. Deviation from earlier release figures may also be expected as a result of a continuing update process.

Source: 1965 to 1971—OPREA file. 1972 to March 1973—SEADAB and JCS MINEA files.

B-52 SORTIE

	North Vietnam	South Vietnam	Laos	Cambodia	Total
1965:					
January.....	0	0	0		0
February.....	0	0	0		0
March.....	0	0	0		0
April.....	0	0	0		0
May.....	0	0	0		0
June.....	0	27	0		27
July.....	0	140	0		140
August.....	0	165	0		165
September.....	0	322	0		322
October.....	0	291	0		291
November.....	0	310	0		310
December.....	0	283	24		307
Total.....	0	1,538	24		1,562
1966:					
January.....	0	347	24		371
February.....	0	274	39		313
March.....	0	332	66		398
April.....	44	261	112		417
May.....	0	309	102		411
June.....	0	330	65		395
July.....	0	413	18		431
August.....	0	411	39		450
September.....	93	292	48		433
October.....	57	286	65		408
November.....	0	504	27		531
December.....	86	531	42		659
Total.....	280	4,290	647		5,217
1967:					
January.....	6	594	120		720
February.....	0	630	76		706
March.....	0	574	205		779
April.....	18	473	322		813
May.....	41	685	97		823
June.....	0	645	162		807
July.....	30	539	192		761
August.....	133	583	116		832
September.....	432	401	0		833
October.....	386	422	39		847
November.....	145	493	146		784
December.....	229	336	243		808
Total.....	1,420	6,375	1,718		9,513
1968:					
January.....	15	675	231		921
February.....	0	1,299	160		1,459
March.....	35	1,633	184		1,852
April.....	3	1,463	320		1,786
May.....	48	1,355	451		1,854
June.....	23	1,611	129		1,763
July.....	308	1,307	199		1,814
August.....	101	1,741	6		1,848
September.....	53	1,656	78		1,787
October.....	100	1,478	271		1,849
November.....	0	1,125	661		1,786
December.....	0	1,162	687		1,849
Total.....	686	16,505	3,377		20,568

B-52 SORTIE—Continued

	North Vietnam	South Vietnam	Laos	Cambodia	Total
1969:					
January.....	0	728	1,055	.....	1,854
February.....	0	1,041	618	.....	1,659
March.....	0	1,584	233	.....	1,822
April.....	0	1,042	738	.....	1,780
May.....	0	1,569	264	.....	1,833
June.....	0	1,450	261	.....	1,711
July.....	0	1,314	417	.....	1,731
August.....	0	1,239	145	.....	1,444
September.....	0	1,060	286	.....	1,346
October.....	0	1,109	352	.....	1,461
November.....	0	840	565	.....	1,405
December.....	0	835	617	.....	1,452
Total.....	0	13,931	5,567	.....	19,498
1970:					
January.....	0	765	680	.....	1,445
February.....	0	514	792	.....	1,306
March.....	0	541	902	.....	1,443
April.....	0	829	579	.....	1,408
May.....	0	721	371	350	1,442
June.....	0	481	561	353	1,395
July.....	0	584	669	191	1,444
August.....	0	400	597	234	1,231
September.....	0	308	574	104	986
October.....	0	81	930	3	1,014
November.....	0	7	942	24	973
December.....	0	62	921	33	1,016
Total.....	0	5,293	8,518	1,292	15,103
1971:					
January.....	0	51	950	19	1,020
February.....	0	43	846	40	929
March.....	0	30	1,108	105	1,243
April.....	0	274	818	108	1,200
May.....	0	195	933	112	1,240
June.....	0	324	598	68	990
July.....	0	319	662	42	1,023
August.....	0	380	585	52	1,017
September.....	0	343	519	131	993
October.....	0	186	602	223	1,011
November.....	0	148	648	188	984
December.....	0	123	607	248	978
Total.....	0	2,416	8,876	1,336	12,628
1972:					
January.....	0	240	668	109	1,017
February.....	0	481	562	181	1,224
March.....	0	689	617	256	1,562
April.....	82	1,608	68	48	1,806
May.....	1	2,223	39	27	2,290
June.....	271	2,191	88	196	2,746
July.....	327	2,576	8	147	3,058
August.....	563	2,307	20	181	3,071
September.....	411	2,154	123	297	2,985
October.....	586	1,914	210	215	2,925
November.....	846	1,766	149	163	2,924
December.....	1,353	1,281	92	48	2,774
Total.....	4,440	19,430	2,644	1,868	28,382
1973:					
January.....	533	1,652	386	139	2,769
February.....	0	0	1,449	60	1,509
March.....	0	0	0	1,225	1,225
Total.....	533	1,652	1,835	1,483	5,503

Source: January 1965 to December 1966—JCS STRATOPS file; January 1967 to May 1970—OSD table Y; June 1970 to December 1970—JCS OPERA file; January 1971 to March 1973—SAC COACT file.

FIGHTER-BOMBER MUNITIONS (TONS)

	North Vietnam	South Vietnam	Laos	Cambodia	Total
1966					
January	273	15 290	13 506		29 069
February	4 780	13 356	10 205		28 341
March	7 728	14 473	7 698		29 899
April	7 810	10 692	6 721		25 223
May	7 472	8 715	4 901		21 088
June	10 646	9 988	3 260		23 894
July	16 098	12 521	2 010		30 629
August	17 325	12 713	700		30 738
September	16 074	11 356	333		27 763
October	12 398	12 038	1 428		25 864
November	11 142	15 824	3 664		30 630
December	10 948	16 226	6 126		33 300
Total	123 194	153 102	60 552		336 848
1967					
January	11 372	19 148	9 392		39 912
February	10 430	18 227	11 514		40 171
March	15 861	20 747	9 334		45 942
April	17 256	21 579	9 440		48 275
May	20 601	25 462	4 894		50 957
June	24 179	24 738	2 324		51 241
July	20 925	28 141	1 835		50 902
August	22 189	23 025	2 512		47 726
September	17 080	26 577	3 170		46 827
October	18 430	29 987	6 555		55 002
November	14 777	29 554	9 868		54 199
December	12 685	26 090	12 042		50 817
Total	205 785	293 275	82 911		581 971
1968					
January	14 449	26 995	14 354		55 809
February	7 756	30 066	10 863		48 685
March	9 663	23 970	10 572		44 205
April	19 604	28 979	13 841		62 427
May	21 352	31 317	7 327		59 996
June	24 934	31 661	6 476		63 071
July	30 972	28 430	4 992		64 394
August	28 733	30 816	5 314		64 869
September	21 072	30 153	5 580		60 805
October	25 857	23 160	8 513		57 530
November	638	21 918	25 681		51 237
December	92	21 431	30 378		51 901
Total	208 066	331 967	145 034		685 067
1969					
January	21	29 877	30 637		60 535
February	26	24 934	30 612		55 572
March	72	32 512	34 066		66 650
April	76	29 979	31 282		61 337
May	213	28 525	27 295		55 947
June	190	31 221	29 947		61 358
July	2	35 119	31 164		64 285
August	32	31 899	28 853		60 784
September	1	21 164	25 271		47 436
October	2	15 429	24 798		40 229
November	21	16 257	23 007		45 938
December	0	13 356	32 519		45 875
Total	659	308 512	356 551		665 682

FIGHTER-BOMBER MUNITIONS (TONS)--Continued

	North Vietnam	South Vietnam	Laos	Cambodia	Total
1970:					
January.....	25	15,451	38,093	-----	53,569
February.....	59	13,878	32,390	-----	46,327
March.....	10	12,418	26,970	-----	39,398
April.....	13	14,336	22,567	-----	36,916
May.....	14	16,719	19,151	6,724	42,603
June.....	48	14,502	11,369	4,531	30,450
July.....	15	15,184	14,019	996	30,214
August.....	24	13,364	11,500	2,006	26,584
September.....	18	10,677	8,349	1,594	20,638
October.....	0	5,412	11,293	759	17,464
November.....	600	4,972	16,850	681	23,103
December.....	6	4,282	22,439	1,866	28,593
Total.....	832	141,195	235,080	19,157	396,264
1971:					
January.....	6	4,627	23,842	1,992	30,467
February.....	3	6,340	23,829	2,248	32,420
March.....	5	6,662	33,212	2,449	42,329
April.....	12	8,204	26,363	2,284	36,863
May.....	39	5,162	24,899	2,286	32,386
June.....	6	4,261	16,878	3,650	24,795
July.....	5	3,709	10,020	1,352	15,086
August.....	17	6,825	8,745	1,387	16,974
September.....	693	3,398	11,959	3,378	19,428
October.....	2	2,061	9,354	2,099	13,516
November.....	64	661	13,451	1,012	15,188
December.....	989	253	14,435	5,810	21,487
Total.....	1,842	52,163	216,987	29,917	300,939
1972:					
January.....	62	1,457	17,828	875	20,222
February.....	272	3,717	14,915	1,925	20,829
March.....	181	838	19,366	1,100	21,537
April.....	4,796	24,883	4,468	867	35,014
May.....	13,383	27,611	1,441	241	42,676
June.....	12,716	21,709	600	1,365	37,050
July.....	16,663	23,539	315	633	41,155
August.....	16,717	20,225	527	3,905	43,175
September.....	21,239	14,073	1,374	650	37,342
October.....	19,774	14,715	3,453	679	38,621
November.....	7,618	19,671	5,696	563	33,548
December.....	7,528	11,620	7,363	3,978	30,489
Total.....	170,981	184,708	77,405	16,793	399,833
1973:					
January.....	4,051	12,004	14,186	1,608	33,049
February.....	0	0	19,745	802	20,551
March.....	0	0	0	9,947	9,947
Total.....	4,051	12,004	33,935	12,257	63,447

Source: January 1961 to May 1970--ASD (C) table Y; June 1970 to December 1971--Computer using factors and sorties from JCS OPR file; January 1971 to March 1973--JCS SEAD and MINC file.

B 52 MUNITIONS (TONS)

	North Vietnam	South Vietnam	Laos	Cambodia	Total
1965:					
June.....	0	550	0	.....	550
July.....	0	2 843	0	.....	2 843
August.....	0	3 415	0	.....	3 415
September.....	0	6 729	0	.....	6 729
October.....	0	6 071	0	.....	6 071
November.....	0	6 740	0	.....	6 740
December.....	0	5 457	469	.....	5 936
Total.....	0	31 510	469	.....	32 069
1966:					
January.....	0	6 030	412	.....	6 442
February.....	0	4 755	673	.....	5 429
March.....	0	6 160	1 226	.....	7 386
April.....	1 011	5 961	2 456	.....	9 538
May.....	0	9 709	2 225	.....	8 934
June.....	0	6 420	1 259	.....	7 679
July.....	0	8 136	348	.....	8 484
August.....	0	7 615	735	.....	8 351
September.....	1 740	5 455	899	.....	8 093
October.....	1 131	5 711	1 293	.....	8 135
November.....	0	10 042	540	.....	10 582
December.....	1 828	11 234	893	.....	13 955
Total.....	5 710	84 230	13 068	.....	103 008
1967:					
January.....	120	12 413	2 248	.....	14 781
February.....	0	15 890	1 615	.....	17 505
March.....	0	16 140	3 163	.....	21 330
April.....	463	12 674	7 929	.....	21 066
May.....	950	18 055	2 072	.....	21 079
June.....	0	17 969	4 225	.....	22 195
July.....	721	14 997	5 368	.....	21 086
August.....	3 526	16 927	3 056	.....	23 509
September.....	13 553	11 425	0	.....	24 779
October.....	10 101	11 684	913	.....	22 699
November.....	4 556	14 836	4 453	.....	23 845
December.....	7 605	11 158	8 070	.....	26 833
Total.....	41 625	173 970	45 114	.....	260 709
1968:					
January.....	431	20 181	6 638	.....	27 250
February.....	0	37 838	4 991	.....	42 829
March.....	1 036	47 035	5 299	.....	53 370
April.....	101	41 815	3 220	.....	51 136
May.....	1 385	39 715	12 702	.....	53 703
June.....	45	48 069	3 139	.....	51 713
July.....	8 842	37 764	6 699	.....	53 306
August.....	2 624	50 444	144	.....	53 212
September.....	1 446	46 199	2 326	.....	50 171
October.....	2 661	40 257	7 362	.....	50 280
November.....	0	29 772	17 507	.....	47 279
December.....	0	33 218	18 265	.....	51 483
Total.....	18 971	472 308	94 583	.....	585 862
1969:					
January.....	0	22 476	31 583	.....	54 059
February.....	0	29 301	17 160	.....	46 461
March.....	0	47 441	8 796	.....	56 237
April.....	0	26 050	13 025	.....	39 075
May.....	0	44 170	7 434	.....	51 604
June.....	0	33 322	7 043	.....	40 365
July.....	0	17 813	11 455	.....	29 268
August.....	0	37 467	3 978	.....	41 445
September.....	0	30 723	8 247	.....	38 970
October.....	0	12 863	10 294	.....	23 157
November.....	0	24 594	16 454	.....	41 048
December.....	0	25 065	18 092	.....	43 157
Total.....	0	392 310	159 791	.....	552 101

B-52 MUNITION TONS--Continued

	North Vietnam	South Vietnam	Laos	Cambodia	Total
1970:					
January.....		22,503	19,640		42,143
February.....		15,749	23,371		39,120
March.....		16,092	26,788		42,880
April.....		21,428	15,256		36,684
May.....		17,312	8,770	8,242	34,324
June.....		13,228	14,923	8,260	36,411
July.....		16,060	17,795	4,469	38,324
August.....		11,000	15,880	5,476	32,356
September.....		3,470	15,268	2,434	21,172
October.....		2,228	24,738	70	27,036
November.....		1,193	25,057	562	26,812
December.....		1,705	24,499	772	26,976
Total.....	1	145,968	232,025	30,285	408,278
1971:					
January.....		1,226	22,684	457	24,367
February.....		1,032	20,275	962	22,269
March.....		908	32,472	2,997	36,377
April.....		9,408	27,875	3,593	40,876
May.....		5,571	26,472	3,039	35,082
June.....		7,755	14,339	1,615	23,709
July.....		7,604	15,723	1,011	24,338
August.....		9,060	13,897	1,232	24,189
September.....		3,212	12,449	3,109	23,770
October.....		4,459	14,223	5,298	23,980
November.....		3,542	15,187	4,450	23,179
December.....		2,848	14,420	5,936	23,204
Total.....	1	51,625	230,016	33,699	325,340
1972:					
January.....		5,768	13,670	2,485	21,923
February.....		11,584	13,603	4,545	29,732
March.....		16,599	14,994	6,114	37,707
April.....	2,252	38,472	2,429	1,179	44,332
May.....		49,859	867	505	51,232
June.....		38,836	2,659	3,706	51,075
July.....		11,153	172	2,708	54,227
August.....	10,000	35,761	445	3,686	52,752
September.....		32,959	2,777	5,079	51,506
October.....	10,000	32,666	5,041	4,053	53,749
November.....	10,000	25,474	3,324	2,803	51,319
December.....	28,000	18,983	2,011	749	50,667
Total.....	97,900	353,354	61,392	37,413	550,661
1973:					
January.....	11,144	27,910	10,364	3,558	52,928
February.....		0	32,426	1,300	33,726
March.....		0	0	24,309	24,309
Total.....	11,144	27,910	42,790	29,167	110,963

Source: June 1965-December 1965 JCS STRATCOM, and May 1970 ASC(C) table Y, June 1970-March 1973 SAC COACT.

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6. Hearings before U. S. Senate Subcommittee of the Committee on Appropriations - Defense Department Appropriations for Fiscal Year 1970, Parts 1, 2, 3.
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9. Hearings before the Subcommittee of the Committee on Appropriations, U. S. Senate, on H.R. 15090 - Department of Defense Appropriations for Fiscal Year 1970. Parts 1, 2, 3.
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11. Military Construction Authorization for Fiscal Year 1973 - Hearings before Subcommittee #2 of the Senate Committee on Armed Services on H. R. 14530.

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2. Unauthorized Bombing of Military Targets in North Vietnam - Report of the Armed Services Investigating Sub-Committee of the Committee on Armed Services, House of Representatives, December 15, 1972.
3. Hearings on Research, Development, Test and Evaluation Program for Fiscal Year 1971 before Sub-committee of Committee on Armed Services, House of Representatives.
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8. War Powers, Subcommittee on National Security Policy and Scientific Developments, House Committee on Foreign Affairs, March 1973.
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11. To Amend the Foreign Assistance Act of 1961. Supplemental Authorization for Assistance to Cambodia. Hearings before the Committee on Foreign Affairs, House of Representatives.

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1. Resolution of the House of Representatives (H.J. Res. 542) concerning the war powers of Congress and the President, and related House of Representatives documents dealing with war powers. (6 items)
2. Case papers in Holtzman v. Schlesinger at the District, Appellate, and Supreme Court Levels.
3. Opinion in Mitchell v. Laird, 71-1510, U.S. Court of Appeals for the D.C. Circuit, March 20, 1973.
4. Memorandum and Order in Holtzman v. Richardson, 73-C-537, U.S. District Court, E.D. New York, June 13, 1973.
5. Memorandum of Decision in Mottola v. Nixon, C 70 943, U.S. District Court, N.D. California, Sept. 10, 1970; and appellate reversal in Mottola v. Nixon, 26662, U.S. Court of Appeals, Ninth Circuit, July 13, 1972.
6. Memorandum of decision in Velvel v. Johnson, Civ. A. No. T-4417, U.S. District Court, D. Kansas, July 30, 1968.
7. Appellate remand to District Court in Berk v. Laird, No. 900, Docket 35007, U.S. Court of Appeals, Second Circuit, June 19, 1970.
8. Appellate denial of rehearing, and denial of certiorari in Ashton v. U.S., No. 19213, U.S. Court of Appeals, Dec. 24, 1968 and Apr. 7, 1969.
9. Opinion in Atlee v. Nixon, CA No. 71-2324, U.S. District Court, E.D. Pennsylvania, Jan. 20, 1972.
10. Memorandum and Order in Gravel v. Laird, CA 945-72, U.S. District Court, District of Columbia, Aug. 9, 1972.
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December 29, 1969
2. Special Foreign Assistance Act of 1971 - Public Law 91-652;
84 STAT 1942 [H.R. 19911] - Laws of 91st Cong. - 2nd Sess.
3. Second Supplemental Appropriations Act, 1973
Public Law 93-50
4. Joint Resolution "Making Continuing Appropriations for FY 1974"
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5. Secretary of Defense Melvin R. Laird, Meeting with Newsmen, May 6, 1970.
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22. Department of State Daily News Conferences, March 7, 1969, March 11, 1969, March 21, 1969, March 25, 1969, March 27, 1969, March 28, 1969, April 1, 1969, April 2, 1969, April 3, 1969, April 8, 1969, April 16, 1969, May 28, 1969, March-April, 1970, April 1, 1970.
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31. Various statements by Melvin Laird, Henry Kissinger and the President regarding the bombing of Cambodia, July 31-Sept. 14, 1973.

32. Secretary Rogers News Conference, May 13, 1970. Department of State Bulletin, June 1, 1970.
33. United States Military Actions in Cambodia: Questions of International Law, by John R. Stevenson, Department of State Bulletin, June 22, 1970, pp. 765-770.
34. **Selected State Department Bulletins, 1969-1973.**
35. Selected Statements by Department of Defense and other Administration officials, 1969-1973, prepared by the Air Force (SAFAA), on file with the Executive Agency Services, Department of Defense.

UNCLASSIFIED CORRESPONDENCE RECEIVED FROM THE FILES
OF THE
SENATE COMMITTEE ON ARMED SERVICES

1. Letter to Senator Symington from General George S. Brown, July 16, 1973.
2. Letter to Senator Symington from James R. Schlesinger, July 16, 1973.
3. Letter to Senator Symington from William P. Clements, Jr., July 25, 1973.
4. Letter to Senator Symington from General George S. Brown, July 25, 1973.
5. Letter to Senator Stennis from General John D. Ryan, July 26, 1973.
6. Letter and enclosures to Senator Symington from William P. Clements, Jr., August 2, 1973.
7. Letter to Senator Symington from William P. Clements, Jr., August 7, 1973.
8. Letter and enclosures to Senator Symington from William P. Clements, Jr., August 14, 1973.
9. Letter and enclosures to Senator Symington from General George S. Brown, August 25, 1973.
10. Letter to James R. Schlesinger, from Senator Harold Hughes, September 5, 1973.
11. Letter to Senator Symington from William P. Clements, Jr., September 5, 1973.
12. Letter from William P. Clements, Jr., to Senator Symington, September 17, 1973.
13. Letter and enclosures to Mr. Ed Braswell from Brig. Gen. Raymond B. Furlong, November 16, 1973.
14. Letter and enclosures to Senator Symington from J. O. Marsh, Jr., December 11, 1973.
15. Letter to James R. Schlesinger, from Senator Stennis, January 29, 1974.
16. Letter to Senator Stennis from William P. Clements, Jr., February 13, 1974.

CLASSIFIED MATERIALS RECEIVED FROM THE FILES
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SENATE COMMITTEE ON ARMED SERVICES

CLASSIFICATION

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|---|--------|
| 1. Answer to question by Senator Hughes. Asked of Secretary Seamans before the Senate Committee on Armed Services March 31, 1971 re: Air Force attack sorties and the estimated ordnance tonnages dropped over South Vietnam, North Vietnam, Laos, and Cambodia. (INSERT NO. 1036 to March 31, 1971 transcript) | Secret |
| 2. Answer to question by Senator Hughes. Asked of Secretary Chafee before the Senate Committee on Armed Services March 29, 1971 re: monthly totals of air attack sorties and the estimated ordnance tonnages dropped over South Vietnam, North Vietnam, Laos, and Cambodia. | Secret |
| 3. United States Military Posture and Procurement for Fiscal Year 1974, Hearings before the Committee on Armed Services, U. S. Senate, excerpt from transcript of testimony on March 28, 1973, Vol. 1, Page 91, question by Senator Hughes and inserted 83 page answer. | Secret |
| 4. Military Procurement for Fiscal Year 1970, excerpt from transcript of General Chapman's testimony before the Senate Committee on Armed Services on April 1, 1969, Vol. 11, Page 1020. | Secret |
| 5. Military Procurement for Fiscal Year 1970, excerpt from transcript of General Chapman's testimony before the Senate Committee on Armed Services on April 1, 1969, Vol. 12, Page 1777. | Secret |
| 6. Excerpt from transcript of testimony before the Senate Armed Services Committee on April 16, 1969, Vol. 20, Page 1750, 1751(including classified insert), 1752, 1759 (including classified insert), 1760-62, 1814, and 1815. | Secret |
| 7. Military Procurement for Fiscal Year 1970, excerpt from transcript of General McConnell testimony before the Senate Armed Services Committee on April 17, 1969, Vol. 21, Pages 1864-1866, 2020-2022, 2071, 2087-2089. | Secret |

8. Transcript of Senate Committee on Armed Services hearing on nomination of Gen. George J. Brown to be Air Force Chief of Staff; July 13, 1973, Vol. 1, copy 12 of 12.	Secret
9. Weekly Air Intelligence Summary, 27 June 1970.	Secret/No Forn.
10. Weekly Air Intelligence Summary, 1 August 1970.	Secret/No Forn.
11. Weekly Air Intelligence Summary, 19 December 1970.	Secret/No Forn.
12. Weekly Air Intelligence Summary, 1 February 1971.	Secret/No Forn.
13. Weekly Air Intelligence Summary, 27 April 1971.	Secret/No Forn.
14. March 17, 1969 Message, from General Wheeler, Chairman JCS, to General Abrams, Admiral McCain, and General Holloway.	Top Secret Sensitive/No Forn.
15. February 14, 1968, Message from Chairman, JCS to Commander in Chief, Pacific -- Operations in South Vietnam involving Laos.	Secret
16. February 11, 1969, Message MAC 1782 from General Abrams to General Wheeler, Chairman JCS, requesting authority to bomb in Cambodia.	Top Secret Sensitive Eyes Only
17. February 11, 1969, Interim Response from Gen. McConnell, Acting Chairman JCS, to Gen. Abrams and Gen. Nazzaro, Acting Commander in Chief Pacific.	Top Secret Sensitive Eyes Only
18. November 13, 1969, Memorandum from Melvin R. Laird to the Chairman of the JCS.	Top Secret
19. June 17, 1970, Message 1723442 from Acting Chairman JCS to Commander in Chief, Pacific and Commander United States Military Assistance Command Vietnam.	Top Secret "Ivy Tree"

SUPPORTING EVIDENCE
CITED
IN FOOTNOTES

MONDAY, JULY 20, 1970

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National Advisory Council on Adult Education

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THOMAS W. MANN, assistant superintendent, division of continuing education, Office of Superintendent of Public Instruction, Springfield, Ill.

GOVERNOR WILLIAM G. MILLIKEN of Lansing, Mich.

II. 17 Apr 69

C A M B O D I A

H 1

SIHANOUK PRESS CONFERENCE ON U.S. RELATIONS

Phnom Penh in French to Southeast Asia 1230 GMT 16 Apr 69 D (FOR OFFICIAL USE ONLY)

[Text] The United States has decided to recognize and respect the sovereignty, independence, neutrality, and territorial integrity of Cambodia within its present frontiers in conformity with the UN Charter. This decision was conveyed this morning to Prince Sihanouk by the Australian ambassador to Cambodia, who represents U.S. interests in this country.

Commenting on this decision before the press, the Chief of State pointed out that initial diplomatic relations between the United States and Cambodia will be established on the charge d'affaires level. Prince Sihanouk then thanked the United States and President Nixon for this gesture of equity and justice toward Cambodia. The Prince also paid tribute to France for its role in establishing preliminary contacts. Prince Sihanouk expressed his hope that the United States would withdraw its maps showing some Khmer islands as part of South Vietnamese territory. On this matter, the Chief of State recalled that the DRV and the NPLSV have officially recognized these islands as Cambodian territory.

Dealing with the concern of some about inevitable border incidents which might cause another rupture of relations, the Chief of State underlined his conviction that that would not happen. He pointed out that past experience had shown that the absence of direct contact between the United States and Cambodia has complicated the settlement of the problems [words indistinct] than the incidents.

The Chief of State declared that from now on, if any border incident occurs, the military attache of the U.S. diplomatic mission can investigate it on the spot. The Chief of State underlined that the reestablishment of diplomatic relations between Washington and Phnom Penh will not lead to acceptance of U.S. aid if it is conditional [words indistinct]. It will facilitate negotiations for indemnification of Cambodian victims of border incidents provoked by the U.S. forces in Vietnam.

Recalling [words indistinct] the Chief of State stressed that he thought the communists would wait until the Vietnam war ended before turning against Cambodia. But things have not turned out that way. The attacks by the Khmer reds inside Cambodia and the infiltration of the Viet Cong troops from outside have forced Cambodia to reestablish normal relations with the United States in order to maintain an equilibrium and to safeguard internal peace. The Chief of State underlined that Cambodia has not thrown itself into the arms of the United States but has simply established relations, as is normal between sovereign states to matter whether they are big or small.

Speaking about the future, Prince Sihanouk stressed that this question depends on two factors. If the communists intensify their struggle against the Sangkum, Cambodia soon will be short of resources and will have to turn to the United States. On the other hand, if the U.S. attempts--as it has in the past--to overthrow the Sangkum and set up a regime which serves the U.S. interests, there will bring another rupture of relations.

Dealing with [words indistinct] the NPLSV, the DRV, and the CPR, Prince Sihanouk points out that the Royal Government will not change its policy and will continue to maintain friendly relations with China and always support the DRV and the NPLSV, who are fighting to end the unjustifiable occupation of Vietnamese territory by the United States.

On the problem of the Soviet Union, which has just [words indistinct] expressed its desire through its ambassador to see Cambodia remain neutral, the Chief of State said Cambodia will--with China and France, which is Cambodia's best friend.

Dealing with the problem of infiltration by communist Vietnamese troops into Cambodia, the Chief of State said this question will be settled at the proper time at the conference table in Paris or some other place.

Considering the possibility of a reconciliation with Thailand, the Prince pointed out that the governments in Bangkok and Phnom Penh favor sending to Bangkok a high-ranking Khmer official to establish contacts prior to the normalization of relations between the two countries. Cambodia broke the relations, and now it is going to take the first step. The Chief of State pointed out that two personalities [words indistinct] this question, Son Sann, and Samdech Penn Mouth.

On relations with Laos, the Prince announced that he has decided to close the Cambodian Embassy in Vientiane temporarily due to the attitude of the Lao Government which [words indistinct] unacceptable to Cambodia.

Commenting on the recent statement of President Nguyen Van Thieu who seemed to want to reestablish diplomatic relations with Phnom Penh, the Chief of State recalled that he himself went to Saigon to meet Ngo Dinh Diem in order to normalize relations with South Vietnam's nationalist regime. But President Diem refused to renounce his revendications of the Khmer islands. That is why Cambodia had to turn to the NLFSV, the true representative of the South Vietnamese people, for recognition of Cambodian frontiers. It is impossible now for Cambodia to reverse its position, the Chief of State pointed out.

SIHANOUK COMMENTS ON CAMBODIA'S ROLE IN ASIA

Tokyo TOKYO SHIMBUN 16 Apr 69 Morning Edition p 3 T

[Text] TOKYO SHIMBUN recently sent a questionnaire to Cambodian Chief of State Sihanouk, whose position is carefully watched in Asia--an area which is expected to undergo various changes in the "post-Vietnam period"--about the future course of Cambodia and Japan's role in it. In his reply, Sihanouk made clear the following points: 1) Cambodia will continue to maintain its policy of neutrality in the future; 2) Asian nations should mutually recognize different political systems; and 3) it is desired that Japan and China ease their differences through realistic means of rapprochement.

Question: After the Vietnam war is settled, what diplomatic policy will Cambodia choose?

Answer: After the Vietnam war, Cambodia will continue to firmly maintain its current policy of neutrality. This policy is not based on ideology; it comes from practical considerations. Our decision to choose neutrality is regarded by some as "immoral." Nevertheless, because of this policy we have been able to live in comparative peace for the past 15 years since the first Geneva conference. We cannot foretell how the situation will change tomorrow.

Our territory is eyed by neighboring nations, which aim at expending their territories by annexation. We also cannot place too much trust in the big powers' goodwill toward our country. However, our determination to resolutely resist actual attacks and the instigation of subversive activities is widely recognized by other nations. Therefore, Cambodia will survive as one of the members of tomorrow's Asia.

Question: What is the biggest obstacle to maintaining security and peace in Asia, especially on the Indochina peninsula? What efforts should Asian nations make for the preservation of peace?

Answer: The main obstacle to the restoration of peace and security in Asia is disharmony between Asian nations. In Africa, an organ to promote unity has been established.

MONDAY, JULY 20, 1970

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THE DEPARTMENT OF DEFENSE MORNING
PRESS BRIEFING OF JULY 20, 1970,
IS ON FILE AT THE DEFENSE DEPARTMENT.

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Governor WILLIAM G. MILLIKEN of Lansing, Mich.

MONDAY, MARCH 23, 1970

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I am not threatening. I am simply stating as a matter of fact that the President of the United States, among his many responsibilities, has a responsibility to see that the mail is delivered. And I shall meet that responsibility and meet it effectively beginning Monday in the event that the postal workers in any area decide that they are not going to meet their constitutional responsibilities to deliver mail.

DEVELOPMENTS IN CAMBODIA

Q. Mr. President, will you entertain a question on Southeast Asia?

THE PRESIDENT. Yes, I am not limiting this to the four subjects. I will take all of your questions.

Q. I am wondering how you feel about the recent developments in Cambodia, and how it relates to our activities in Vietnam.

THE PRESIDENT. These developments in Cambodia are quite difficult to appraise. As you know from having been out there yourself on different occasions, the Cambodian political situation, to put it conservatively, is quite unpredictable and quite fluid.

However, we have, as you note, established relations on a temporary basis with the government which has been selected by the Parliament and will continue to deal with that government as long as it appears to be the government of the nation. I think any speculation with regard to which way this government is going to turn, what will happen to Prince Sihanouk when he returns, would both be premature and not helpful.

I will simply say that we respect Cambodia's neutrality. We would hope that North Vietnam would take that same position in respecting its neutrality. And we hope that whatever government eventually prevails there, that it would recognize that the United States' interest is the protection of its neutrality.

THAI INTEREST IN LAOS

Q. Could I follow that up with another question about Southeast Asia?

The Thais have apparently introduced troops into Laos, either with or without the help of the United States. I, first, wondered whether you could tell us whether we actually helped them by flying them in in our aircraft; and, secondly, what you think about the Thais fighting in Laos? Does that complicate our problem out there?

THE PRESIDENT. Well, the Thai interest in Laos and the Thai participation in attempting to sustain the neutralist Government of Laos, I think, has been known for many years; and their interest is, if anything, perhaps even more acute than ours. They have a 1,000-mile border with Laos. There are 8 million ethnic Laotians, as you know, who live in northeast Thailand. If Laos were to come under the domination of a Communist North Vietnamese Government, it would be an enormous threat to Thailand.

Thailand also is a signatory of the Geneva Accords of 1962, and under those circumstances would be ex-

pected to respond to requests by the Government of Laos, set up under those accords and agreed to by all of the parties including the North Vietnamese and the Communist Chinese, and would be expected to provide some assistance.

Beyond that, I would say that any questions in this area should be directed to the Government in Thailand or in Laos. It is a matter between these two Governments.

ASSEMBLYMAN TRAN NGOC CHAU OF SOUTH VIETNAM

Q. There have been numerous reports in the newspapers that the South Vietnamese Assemblyman, Tran Ngoc Chau, who has recently been sentenced to 20 years in prison, on many occasions cooperated with the U.S. Government in Saigon and gave them information; and specifically that in August of 1967 he informed Ambassador Bunker and others of the upcoming Tet attack. Can you tell us if there is anything to those reports?

THE PRESIDENT. I wouldn't comment on those reports. I will only say that this was a matter which Ambassador Bunker has discussed with President Thieu, that those discussions, of course, were on a private basis, and I think any speculation about what the discussions were would not be appropriate.

FRANCE'S SALE OF PLANES TO LIBYA

Q. Mr. President, you expressed the hope that all major powers would stop the escalation of the arms race in the Middle East. Do you have any indication that France would be cooperative in their sale of planes to that area?

THE PRESIDENT. First, as has been indicated, there is a long lead time on the delivery of French planes to Libya. Secondly, while, of course, I would not presume to speak for the Government of France—that question should be directed to them—the Government of France is not taking a position that its delivery of planes to Libya is for the purpose of transshipment basically to the U.A.R. France is a participant in the Four-Power talks.

I discussed this matter in considerable detail with President Pompidou when he was here. I will not reveal what those discussions were, as I do not reveal the discussions, as he does not either, between Chiefs of State. But I do believe that France recognizes, as we recognize, that any shipment of arms to the Middle East which imperils the balance of power increases the danger of war. I think that France, in its shipments over the next few years, will be guided by that principle, as we are guided by that principle in making our determinations of what arms we should ship.

POSSIBILITY OF A TRIP TO EUROPE

Q. You made a very successful trip to Paris when De Gaulle was there, and I see by the Gallup Poll that the visit here of Mr. Pompidou was a success. Would you consider going back to Europe at any moment?

THE PRESIDENT. I would certainly consider it. Certainly I would enjoy the opportunity to return to Europe.

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STATEMENT OF HON. MELVIN R. LAIRD, U.S. SECRETARY OF DEFENSE; ACCOMPANIED BY DR. JOHN F. FOSTER, JR., DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING, DEPARTMENT OF DEFENSE; AND ADM. THOMAS H. MOORER, ACTING CHAIRMAN OF THE JOINT CHIEFS OF STAFF, AND CAPT. ANDREW J. VALENTINE, JAGC, U.S. NAVY, LEGAL AND LEGISLATIVE ASSISTANT TO THE CHAIRMAN, JOINT CHIEFS OF STAFF

APPROVAL OF NATIONAL SECURITY COUNCIL

Secretary LAIRD. Mr. Chairman and members of the committee, the decision made by the President of the United States to enter the sanctuary border areas of Cambodia was debated and discussed by the National Security Council more than any question that has come before the National Security Council since I have been Secretary of Defense and a member of the Council.

All aspects of the move into the sanctuary areas were debated and discussed at great length, and all of the pros and cons of this decision had a very thorough and complete discussion.

This plan was presented by me to the National Security Council. It is supported by me and by every member of the National Security Council.

OBJECTIVE OF OPERATION

I think it is important for us to understand thoroughly what the objectives of this military operation are.

The objective is to destroy the enemy's supplies and facilities which have been used for some 4 to 5 years to attack American and South Vietnamese military personnel on a so-called hit-and-run basis. The long-term objectives of this move are, of course, to hasten the withdrawal of Americans from South Vietnam, to speed up the Vietnamization program and to reduce American casualties.

The timing on this activity was based to a large extent upon the political changes which took place in Cambodia as well as the weather conditions which limited the period of time in which the sanctuary facilities could be destroyed. As you know, Mr. Chairman, there will be a period of severe rain in this area of the Southeast Asia, which will commence within 3 to 4 weeks and will last for a duration of several months. If the opportunity to destroy these facilities was going to be taken, it had to be taken now, and a decision was made on a very selective basis to move into these sanctuary areas, not to destroy people, but to destroy facilities, the supply and logistic support which was being used against American ground forces.

The overall success of this operation will be assessed on the basis of whether or not we are able to hasten the Vietnamization program and the withdrawals of American forces from Southeast Asia, and of what its effect is upon American casualties 2 and 3 months from today. Thus far these operations have exceeded our expectations concerning the tactical advantages stemming from the destruction of supplies, ammunition and facilities.

provides that funds shall not be used for American ground, combat forces in those two countries.

Now, the question has arisen as to why this limitation could not apply to Cambodia with equal force as it now applies to Laos and Thailand? Would you comment on that.

This limitation does not prohibit, as I understand it, advisers, nor does it prohibit the use of air power in connection with operations in those areas.

Secretary LAIRD. This limitation on our appropriations for fiscal year 1970 does not apply to air support. It applies to the use of ground combat forces in Laos and in Thailand. I can assure you that we have abided by the limitation imposed by the Congress on the use of U.S. ground combat forces in Laos and Thailand, and the combat requirement which is being fulfilled by American ground forces in this operation in Cambodia is limited to Cambodia territory.

Senator JACKSON. So, in effect, after the withdrawal of American ground forces which the President indicated would occur by July 1, there would no longer be a requirement for American combat ground forces in Cambodia?

Secretary LAIRD. The amendment that was reported out by the Senate Foreign Relations Committee, however, goes beyond the amendment that presently applies to Laos and Thailand. The former applies to U.S. forces and is not limited to ground forces, and some people have interpreted it as applying to some air support and air interdiction operations. This would be a much broader restriction on the part of the Congress than the action taken last year in limiting ground combat forces in Laos and Thailand.

VIETNAMESE FORCES CONTROLLING CAMBODIAN SANCTUARIES

Senator JACKSON. Could you fulfill your mission if the language that is now in the appropriations bill pertaining to Laos and Thailand were to be applied to Cambodia?

Secretary LAIRD. Mr. Chairman, Senator Jackson and members of the committee, the President has made it very clear that this operation will terminate on the 30th of June. He has also made it clear that, because of the progress which we have made during the past year, not only in withdrawing well over 100,000 Americans from Vietnam but also in planning withdrawals for the next 12 months, and because of the progress with the military aspects of the Vietnamization program, the South Vietnamese military forces will be in a position by the time the rainy season ends to handle any such operations, should they be necessary in the future in the sanctuaries.

This, of course, could not come about until sometime in November because of the weather conditions. We believe that with the destruction of these facilities and logistic supplies in the sanctuary areas, it will be 6 to 9 months before that question could be posed to the South Vietnamese Government.

I do not want to state here today that the South Vietnamese should never destroy the sanctuary areas again if they were used as places to supply the North Vietnamese at some future time.

I believe that that question is better left open as far as the South Vietnamese forces are concerned.

ment as such. And so I think the procedure used of informing the Government to see if there would be an objection, was the proper one under these circumstances.

It is true that the Government now has made public its approval of this particular action, but I think the procedure used was the proper one as far as our Government is concerned.

Senator INOUE. I believe, Mr. Secretary, you stated that although the sanctuaries existed for about 4 to 5 years and there were constant harassments to our troops, we have not entered these areas because of opposition of the prior government headed by Prince Sihanouk?

Secretary LAIRD. The opposition to movement into the sanctuary areas was well known to our Government, that is correct.

U.S. INVOLVEMENT IN CHANGE OF GOVERNMENT IN CAMBODIA

Senator INOUE. That being the case, I wish to ask you a question because of the magnitude of our movement into Cambodia.

Did the United States, through agents or representatives, directly or indirectly, covertly or overtly participate in the overthrow of Sihanouk?

Secretary LAIRD. No.

Senator INOUE. Was the U.S. Government advised of this change before it happened?

Secretary LAIRD. We had some indication of the difficulties that were going on within Cambodia, such as the student demonstrations, but it was not anticipated at the time of the student demonstrations that the change would necessarily take place. However, we were following the activities within the country. We had only a very small mission in Cambodia at the time these activities were going on.

The maximum number of Americans in the U.S. mission in Cambodia was approximately 13. We were not involved in any way in the change of Government in Cambodia.

Senator INOUE. I would gather that our Government recognizes that Cambodia is a sovereign, independent country, am I correct?

Secretary LAIRD. That is correct, and we hope that Cambodia maintains its neutrality.

COMPARISON WITH PAST ACTIONS

Senator INOUE. During our past wars, let's take World War I and World War II, wars that were fought primarily in Europe, did we invade European sanctuaries which were occupied by enemy forces?

Secretary LAIRD. We made large movements into Africa, Italy, France, and Germany. These were all parts of our overall military operations and in those cases we were in a state of war.

I do not, however, like to compare the operations into the occupied territory in Cambodia to the massive moves we made in World War II, and I believe that the operations which we are conducting in the sanctuary areas along the Cambodian border, which are completely occupied and under the control of the North Vietnamese and have been occupied by them for several years should be put into the proper context. At no time do we expect the number of American advisors and ground troops in Cambodia to exceed 20,000, and the number there is now going down rather than up.

tegic developments prior to initiation of SALT and has been fundamentally responsible for our decision to proceed with the previously planned deployment of MIRV. Therefore, it cannot be said that this decision is premature or that it produces the greatest damage to SALT negotiations. The Soviet deployments to date and the momentum behind them have made our deployment of MIRV a necessity for our security. However, if a change in the Soviet attitude is at hand and clearly perceivable then a change in our plans can be made. The problem is not one of finding an opportunity to explore the possibility for effective controls. That opportunity exists in SALT. The problem, rather, is one of bringing the Soviet buildup to a halt so that any exploration can have realistic meaning.

Question. How does the United States propose to persuade the Soviet Union that the U.S. MIRV capability will not evolve into a counterforce weapon threatening the Soviet strategic force and requiring expansion of Soviet offensive or defensive weaponry?

Answer. I have no reason to believe that the Soviets are worried about that possibility. We have made clear that our MINUTEMAN III and POSEIDON missiles are not designed to have, and will not have, the combination of yield and accuracy that would be required for a significant counterforce capability against hardened missile silos. Also, I believe that in your recent correspondence with the President he has made it perfectly clear that we do not intend to develop counterforce capabilities which the Soviets could construe as having a first-strike potential. I too have tried to make this equally clear in recent open statements and speeches.

Question. Was specific intelligence developed after April 20 which revealed North Vietnamese plans for operations out of the sanctuaries against American and South Vietnamese forces in South Vietnam? If so, could you describe this intelligence and if possible, share with the Committee relevant documentation?

Answer. There were strong indications during the period 20-30 April 1970 that the VC/NVA would launch additional high points in South Vietnam in the near term. Prisoner interrogations and captured documents pointed to increased enemy activity in early and mid-May. In addition, his improved logistics posture and an adequate force strength gave the enemy the capability to launch such high points. Support for such military activity would, of necessity, derive from base areas located in the border region.

Question. Do plans call for the destruction of food supplies captured in the sanctuaries or are provisions being made to use those supplies for relief purposes in Cambodia or South Vietnam?

Answer. In general, the food supplies taken from the sanctuaries will be used for relief purposes, such as being made available to those Vietnamese refugees who have left Cambodia. It is not intended that these food supplies be destroyed.

Question. Is it expected that any subsequent South Vietnamese operations in Cambodia will involve the use of American advisors and/or air support?

Answer. As the President has stated, U.S. forces, including advisors, logistics and air support, will be withdrawn from current operations in the Cambodian sanctuaries by June 30. I would not anticipate the use of Americans in any subsequent ground operations conducted by the South Vietnamese. I would not rule out the use of American air power for the purpose of interdicting enemy supplies in the future.

Secretary LAIRD. I understand that my opening statement has been released to the press. I think that I should indicate some place along the line here that I stand behind that statement, and I will present it this afternoon.

Chairman STENNIS. All right. Let me respond to the Senator. No, Senator, we aren't going to cut off any Senator on the Cambodian matter. I would hope the Senator would see fit to let Senator Jackson proceed with the SALT matter and call on the Secretary for his statement and sit until 1 o'clock and resume at 3. We have a vote at 2:30. Then we will sit as long as necessary.

Senator BROOKE. Thank you, Mr. Chairman.

ary 1969; volume 2 (1918-30), in June 1969; and volume 3 (1931-45), in January 1970. An estimated eight volumes of bilateral agreements, arranged by country in alphabetical order, and a comprehensive index will follow.

The series, compiled under the direction of Charles I. Bevans, Assistant Legal Adviser for Treaty Affairs, contains the English texts or, in cases where no English text was signed, the official United States Government translations of treaties and other international agreements entered into by the United States from 1776 to 1950. Agreements entering into force after January 1, 1950, are published in the compilation entitled *United States Treaties and Other International Agreements (UST)*.

Copies of volumes 1 through 4 of the Bevans series are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (price: vol. 1, \$3.50; vol. 2, \$10.25; vol. 3, \$11.75; vol. 4, \$3.25).

Recent Releases

For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Address requests direct to the Superintendent of Documents. A 25-percent discount is made on orders for 100 or more copies of any one publication mailed to the same address. Remittances, payable to the Superintendent of Documents, must accompany orders.

The Cambodia Strike—Defensive Action for Peace: A Report to the Nation by Richard Nixon, President of the United States, April 30, 1970. Pub. 8529. East Asian and Pacific Series 189. 10 pp. 20¢.

Strengthened Programs of International Cooperation for Halting the Illicit Supply of Drugs. Address by former Under Secretary of State Elliot L. Richardson before the Philadelphia Bar Association at Philadelphia, Pa., on April 2. Reprinted from the Department of State Bulletin of April 27, 1970. Pub. 8531. General Foreign Policy Series 244. 7 pp. 10¢.

Questions and Answers: The Situation in Cambodia. Discusses U.S. involvement in Cambodia. Pub. 8534. East Asian and Pacific Series 190. 6 pp. 10¢.

Cambodia in Perspective—Vietnamization Assured: An Interim Report by Richard Nixon, President of the United States, June 3, 1970. Pub. 8536. East Asian and Pacific Series 191. 8 pp. 20¢.

Atomic Energy—Cooperation for Civil Uses. Agreement with Norway amending the agreement of May 4, 1967. TIAS 6849. 2 pp. 10¢.

Trade—Meat Imports. Agreement with Panama. TIAS 6850. 4 pp. 10¢.

Trade—Meat Imports. Agreement with Costa Rica. TIAS 6851. 6 pp. 10¢.

Investment Guaranties. Agreement with Burundi. TIAS 6852. 7 pp. 10¢.

Atomic Energy—Cooperation for Civil Uses. Agreement with Greece amending the agreement of August 4, 1955, as amended. TIAS 6853. 11 pp. 10¢.

Trade—Meat Imports. Agreement with Mexico. TIAS 6854. 4 pp. 10¢.

Agricultural Commodities. Agreement with India amending the agreement of October 13, 1967. TIAS 6855. 2 pp. 10¢.

General Agreement on Tariffs and Trade. First certification of changes to certain schedules. TIAS 6856. 187 pp. \$1.00.

Certificates of Airworthiness for Imported Aircraft. Agreement with New Zealand. TIAS 6857. 6 pp. 10¢.

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Agricultural Commodities. Agreement with the Republic of Korea. TIAS 6859. 5 pp. 10¢.

Agricultural Commodities. Agreement with Turkey. TIAS 6860. 2 pp. 10¢.

Atomic Energy—Cooperation for Mutual Defense Purposes. Agreement with the United Kingdom of Great Britain and Northern Ireland amending the agreement of July 3, 1958, as amended. TIAS 6861. 2 pp. 10¢.

Agricultural Commodities. Agreement with Viet-Nam. TIAS 6862. 3 pp. 10¢.

DEPARTMENT AND FOREIGN SERVICE

Confirmations

The Senate on September 1 confirmed the following nominations:

L. Dean Brown to be Ambassador to the Hashemite Kingdom of Jordan. (For biographic data, see Department of State press release 263 dated September 10.)

Dwight Dickinson to be Ambassador to the Republic of Togo. (For biographic data, see Department of State press release 261 dated September 10.)

Emory C. Swank to be Ambassador to Cambodia. (For biographic data, see Department of State press release 259 dated September 3.)

Nicholas G. Thacher to be Ambassador to the Kingdom of Saudi Arabia. (For biographic data, see Department of State press release 262 dated September 10.)

THE SOURCE MATERIAL FOR SECTIONS II AND
III, FOOTNOTES 9 - 31, IS CLASSIFIED AND
NOT REPRODUCED HERE.

ability to conduct similar offensives in the future, at least on an intermittent basis. This continued capability on the part of the enemy derives from certain intractable factors in the Vietnamese situation. The forces of Hanoi and the NLF continue to be supplied with sophisticated equipment and weapons such as 122-millimeter rockets from Soviet and Communist Chinese resources. In addition, the enemy forces are able to take refuge in sanctuaries across the borders of Laos, Cambodia, and North Vietnam. The Laotian and Cambodian sanctuaries are of great importance in the enemy's ability to withstand our overwhelming superiority in mobility and firepower. Moreover, Cambodia has become increasingly important in the infiltration of supplies and men and in the command and control of the enemy forces.

The indiscriminate enemy rocket attacks on Saigon, Danang, and Hue are not militarily significant. As of this time, the attacks have added to the degree, but not to the type, of risk to which U.S. forces have for some time been subjected. These attacks furthermore, have as yet done little to affect adversely the morale of the South Vietnamese public. At the same time, there can be no doubt that the rocket attacks in Saigon, Danang and Hue are completely inconsistent with the understandings which underlie the bombing halt.

As you will recall, the position of the present administration on this matter was stated by President Nixon in his press conference on March 4. In reply to a question on how we might respond if these attacks were to continue in South Vietnam, he said :

• • • the United States has a number of options that we could exercise to respond. We have several contingency plans that can be put into effect.

I am considering all of those plans. We shall use whatever plan we consider is appropriate to the action on the other side. I will not indicate in advance, and I am not going to indicate publicly, and I am not going to threaten—I don't think that would be helpful—that we are going to start bombing the North or anything else.

I will only indicate that we will not tolerate a continuation of this kind of attack without some response that will be appropriate.

In addition to containing the current enemy offensive, allied military efforts are reported to be making steady progress. For example, during my recent trip to Vietnam, both General Cushman and General Stilwell cited significant advances in I Corps in eliminating enemy influence, including the Vietcong infrastructure (VCI). General Cushman, however, informed me that an additional 2 years would be required before he could see the situation as being satisfactorily in hand. It is apparent that a successful anti-infrastructure effort will thus require a substantially higher enemy rate of attrition that has yet been realized.

Militarily, I was assured by our commanders, the situation in III Corps is under control. General Abrams believes his tactics and precautions have greatly reduced the risks of significant enemy incursion into the capital city of Saigon. The mortar and rocket attacks have been relatively infrequent and unimpressive in number. In the IV Corps area as well, the military situation is steadily moving in a direction favorable to the Government of the Republic of Vietnam and the United States. However, Major General Eckhart, the senior U.S. Military Adviser in IV Corps, recognizes that the pacification effort is proceeding slowly in this traditional VC stronghold.

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Senator SMITH. Thank you.

On page 10 you say that along with the war you have inherited a backlog of ground rules, procedures and unwritten understandings. Would you elaborate a bit on that?

Secretary LAIRD. Senator Smith, I was referring to the ground rules as far as engagement is concerned in the war in Vietnam. As you know, we have certain rules and operating procedures which do not permit our commanders to go into Laos, Cambodia, or beyond the DMZ into North Vietnam. These rules and operating procedures are very clearly spelled out.

Take, for instance, the operation Dewey Canyon. During that operation up in the I Corps area in the last few weeks, it has been necessary on one or two occasions, in order to protect American personnel, for our Marines to cross into Laos.

They have been able to do this under the ground rules and the operating procedures which have been laid down because they may cross into Laos only if it is to protect the lives and reduce the casualties of American troops operating near the border in South Vietnam. These are very well defined operating procedures that we are continuing to follow as far as the operations in Laos are concerned.

We also have a similar set of rules and regulations as far as the DMZ and Cambodia are concerned. As to the unwritten understandings, I can point to perhaps one or two of those. I think the most significant is the unwritten understanding concerning the halt in the bombing of the North.

There was no written agreement on the 31st of October when the bombing was halted. There was an understanding, however, that if the bombing halted, there would be no operations carried on by the North Vietnamese through the DMZ. There was also an understanding that major population centers in South Vietnam would not be indiscriminately shelled or rocketed.

The third part of the understanding was that the South Vietnamese would take part and take their place at the conference table in Paris. This is the type of unwritten understanding that I referred to in the text of my statement.

Senator SMITH. On page 18 you have indicated that phase II of the plan to modernize the South Vietnamese Army was not a part of the January budget request, because the requirements have not been defined. I find this very disturbing, and would like to ask you just how long is it going to take to implement phase II, and begin replacing American troops with indigenous forces? How much longer is it going to take to define these requirements?

Secretary LAIRD. I think we are in the position now where we can define most of the requirements as far as the South Vietnamese forces are concerned. We have detailed justifications on the phase II requirements which we have presented to the committee.

I would like to be able to give you a date, Senator Smith, but you know I sat on the other side of this table over in the House for a good many years. I heard a lot of rather optimistic forecasts as far as dates were concerned, and I have been trying to stay away from that sort of statement.

I think it is certainly possible, if the phase II program moves forward as I think it can, that we can turn over a greater part of the war to the South Vietnamese. But to talk about troop withdrawals today

attacks by fire against American and allied military bases. In addition, there has been a troubling frequency of attacks on the civilian population, including rocket attacks on Saigon, Danang, and Hue.

From the military standpoint, our military commanders believe the current enemy offensive is destined for failure. Ambassador Bunker, General Abrams, our commanders in the field, and the leaders of the Government of the Republic of Vietnam are in unanimous accord that the enemy's efforts will gain no territory permanently, nor will they bring about any lasting reduction in the level of pacification. The recently initiated enemy action has had surprisingly little impact on the morale of the South Vietnamese people and their government. At the same time, however, the enemy's escalation of activity has substantially increased the United States and South Vietnamese casualty rates.

While military leaders in South Vietnam assured me that this offensive can and will be contained, they also conceded the enemy's ability to conduct similar offensives in the future, at least on an intermittent basis. This continued capability on the part of the enemy derives from certain intractable factors in the Vietnamese situation. The forces of Hanoi and the NLF continue to be supplied with sophisticated equipment and weapons such as 122 millimeter rockets from Soviet and Communist Chinese resources. In addition, the enemy forces are able to take refuge in sanctuaries across the borders of Laos, Cambodia, and North Vietnam. The Laotian and Cambodian sanctuaries are of great importance in the enemy's ability to withstand our overwhelming superiority in mobility and firepower. Moreover, Cambodia has become increasingly important in the infiltration of supplies and men and in the command and control of the enemy forces.

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*THE TESTIMONY OF GENERAL JOHN McCONNELL
IS CLASSIFIED TOP SECRET BY THE SENATE
ARMED SERVICES COMMITTEE. A COPY IS IN
THE COMMITTEE FILES.*

*THE TESTIMONY OF SECRETARY OF DEFENSE
LAIRD AND SECRETARY OF STATE ROGERS
BEFORE THE SENATE FOREIGN RELATIONS
COMMITTEE IS IN THE COMMITTEE FILES.*

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NEW YORK, WEDNESDAY, JULY 25, 1973

**Rogers Said 'Our Hands
Are Clean' on Cambodia**
*Although In on Raid Plans, Secretary
Repeatedly Told Senators U.S. Did Not
Violate Phnom Penh's Neutrality*

By SYLVIA M. HIRSH

WASHINGTON, July 24 — There were also those in the State Department who predicted developments today. Rogers said today in the Capitol that the United States had not violated Cambodia's neutrality in the recent air strikes against the Viet Cong in the country.

Mr. Rogers, who is the first to be interviewed by the press after the raid, said the United States had not violated Cambodia's neutrality. He said the United States had not violated Cambodia's neutrality. He said the United States had not violated Cambodia's neutrality.

The Senate Armed Services Committee announced that it had summoned Sen. John D. Rockefeller Jr. to testify before the committee on the raid. The committee is investigating the raid and the role of the United States in it.

Rockefeller Will Help City

**HIJACKERS SEIZED
AS THEY FREE 137
AND BLOW UP JET**

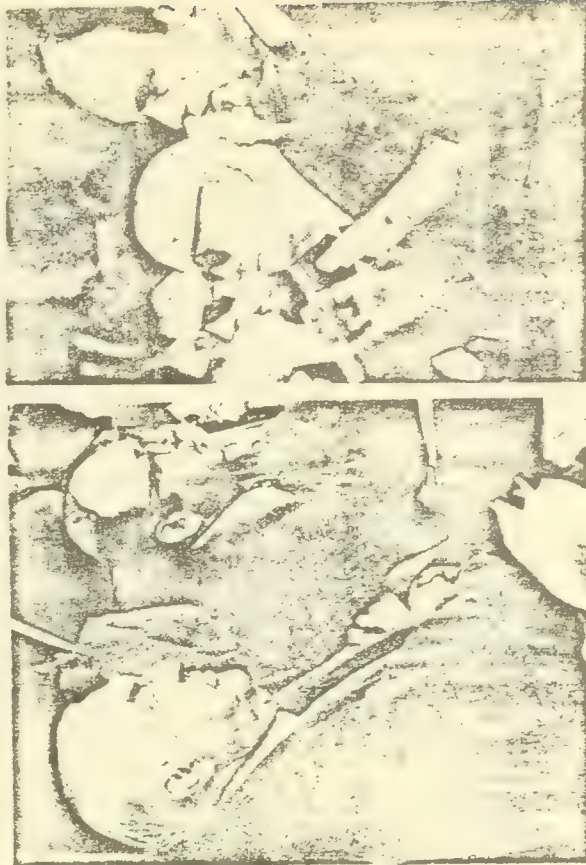
**Hostages' 3½-Day Ordeal
Is Ended in Benghazi—
All Apparently Safe**

BEIRUT, July 24 — A group of 137 men who were taken aboard a Libyan jet over the Mediterranean Sea today were freed in a dramatic rescue operation. The jet was blown up after the hijackers were seized.

The rescue operation was carried out by a team of Israeli commandos. The hijackers were taken to a safe place where they are being held. The Israeli government is investigating the hijacking.

Questioned by Libyans
The hijackers of the plane that was blown up today were questioned by Libyans.

**EHRlichMAN DENIES ILL
SAYS DEAN MISLED WHIT
HE DEFENDS ELLSBERG**



Senator Sam J. Ervin, Jr. and Samuel Dash listen to John D. Ehrlichman. With him is John J. Whitely.

City Agencies Stage FALSE GRAIN DATA Ex-Aide Says Nixon

Rogers, In on Cambodian Raid Plans, Said 'Our Hands Are Clean'

Continued From Page 1, Col. 2

falsification of records of the secret Cambodian bombing.

Well-informed sources, told The New York Times today that Mr. Rogers was one of five key advisers who formulated the plan for secret bombing of Cambodia. Under that plan, as approved by President Nixon, 3,630 sorties were flown by B-52's and more than 100,000 tons of bombs were dropped between early 1969 and May, 1970. During the bombing, which was not disclosed until last week, the United States was officially professing respect for Cambodia's neutrality in the Vietnam war.

Asked for comment, a State Department spokesman noted that Prince Sihanouk had, in fact, been informed of the bombing and then added:

"There couldn't be any violation of Cambodian neutrality when the head of the Cambodian Government asked for assistance and acquiesced in it. The fact of the matter is that statements of general respect for Cambodian neutrality and sovereignty and the bombing limited to the sanctuaries in which Sihanouk acquiesced are quite consistent."

Prince's Position Given

In a transcript, a summary of which has been made available to The New York Times, asserted that some bombing had apparently been tacitly approved by Prince Sihanouk, who by the date of the Senate hearing — April 2, 1970 — had been ousted by a coup d'état.

Early in the hearing, the transcript shows, the Secretary of State noted that the Prince had from time to time "indicated Foreign Relations Committee that, in fact, stated, made it clear, that he did not object to bombing by the United States in Cambodia as long as there

were no Cambodians in the area."

Sources who attended the hearing said that Mr. Rogers did not elaborate on the remark, which was volunteered, except to say in response to a question from Senator Stuart Symington, Democrat of Missouri, that there was no agreement between the United States and Prince Sihanouk about bombing.

Mr. Symington, chairman of the Armed Services Committee, which has been investigating the falsification of official Air Force records of the secret bombing, said in a telephone interview today that after the Rogers testimony "I had no idea that there had been any falsification in previous months."

It would appear that Secretary Rogers was carrying out a line that originated in the National Security Council, Mr. Symington said.

Senator Mike Mansfield, the majority leader, similarly said in a telephone interview that nothing he had heard during Mr. Rogers's testimony led him to believe that a systematic B-52 bombing campaign had been authorized.

"I only knew whatever Rogers said," Mr. Mansfield noted, "and I believed him."

Another participant in the hearing noted that "the thrust of it was that we were as honest as a band of brothers."

In rebuttal, a State Department spokesman noted that Mr. Rogers had testified again before the Senate committee hearing — April 2, 1970 — and said that a transcript of that appearance

showed that a number of Senators, including J. W. Fulbright, chairman of the committee, had from time to time "indicated Foreign Relations Committee that, in fact, stated, made it clear, that he did not object to bombing by the United States in Cambodia as long as there

In addition, the spokesman said, Senator Mansfield had been told of the bombing by Prince Sihanouk during a visit to Cambodia in August, 1969.

Congressional sources said that some Senators were particularly rankled, in the light of last week's disclosures about the secret bombing, that Mr. Rogers had initially been requested to testify at an open session of the committee to discuss the steadily deteriorating Cambodian situation. He declined to do so, the sources said, explaining that his reasons would become apparent during his testimony.

During his subsequent classified testimony, he repeatedly urged the committee to state publicly that the United States was respecting Cambodia's neutrality, a step it did not take.

Mr. Rogers emphatically denied any American role in the coup that toppled Prince Sihanouk and permitted Marshal Lon Nol to become Premier. Mr. Rogers added:

"We do not want to say anything that would suggest that we are working in collaboration with the present government in Cambodia. It isn't true. If we suggested that, it would make it more difficult for the present government to maintain a neutral stance."

"I think it is highly important now to be sure that we do not conduct ourselves in such a way that suggests that we do not want Cambodia to remain neutral and that we have any intention of widening the war."

When Senator Symington and other members of the committee expressed apprehension over the apparently deepening American involvement, Mr. Rogers assured them that President Nixon's interests were "exactly

the same" as those expressed by the committee.

Little has been said publicly about Mr. Rogers's role in the initial decision to bomb secretly, but reliable sources said he attended at least some of the planning sessions in the White House along with the President, Melvin R. Laird, then Secretary of Defense, Henry A. Kissinger, Mr. Nixon's adviser on national security, and Gen. Earle G. Wheeler, then the chairman of the Joint Chiefs of Staff.

Since the initial disclosure of the bombing last week, American officials have repeatedly indicated that the stringent secrecy surrounding the operation was imposed at the request of Prince Sihanouk, who was said to have been informed of and to have approved the missions.

Asked about this, Prince Sihanouk replied by cablegram in French from Pyongyang, North Korea, where he is visiting, that the secret bombing revelation "simply proves that the American Government was already preparing at that time for the overthrow of my government."

Prince Accused C.I.A.

In a book published this year, the Prince alleged that the Central Intelligence Agency had been behind his ouster. American officials have generally been careful to note that Prince Sihanouk did not "authorize" any bombing, but simply acquiesced in it.

By March of 1970, the time of Prince Sihanouk's overthrow, the North Vietnamese and Vietcong were entrenched along the Cambodian side of

the border areas near South Vietnam with heavily built-up fortifications, base camps and supply centers. The main headquarters for the Communist party of South Vietnam was also situated in the border area, from where it directed much of the Vietnam war efforts.

In an interview with The New York Times when he visited Rumania earlier this month, the Prince acknowledged that he had allowed Chinese ships to use the port of Sihanoukville, now known as Kompong Som, to bring in military supplies for the Vietnamese Communist troops both in Cambodia and in South Vietnam.

It was the first time the Prince had publicly admitted that such an arrangement long alleged by the United States did exist. One-third of the goods shipped via Sihanoukville, the Prince said, were destined for his Cambodian army.

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We have kept our assault helicopter units up to strength with the Cobra, and have maintained a full measure of mobility by replacing our losses of CH-47 and UH-1 helicopters. One of our most successful programs has been in the employment of target acquisition and detection devices. These have greatly improved our ability to locate the enemy and his weapons, particularly at night. We continue to provide highly trained replacements to all of our units in Vietnam. Our training programs here at home are geared to take full advantage of the hard learned lessons and invaluable experience gained from combat operations. This Vietnam-oriented training not only increases the effectiveness of our troops, but also reduces our casualties.

Much of our support effort in Vietnam is aimed at the improvement and modernization of the Vietnamese Army. This is the keystone of the President's Vietnamization program. It enables the Vietnamese Army to gradually replace our forces, which may then be withdrawn. We have supported this program with advisers, materiel, and funds. It seems to be succeeding. As the Vietnamese units become more self-sufficient, some of our advisers—who were so important in the early stages—may also be withdrawn. We continue to provide modern weapons, vehicles, radios, and helicopters. However, Vietnamization has not been without its share of problems. In training Vietnamese helicopter pilots, for example, the entire program was impeded by their limited understanding of English.

POSTURE IN EUROPE

In Europe we continue to maintain a 4½ division force—plus air defense, missile, and support elements—totaling about [deleted] men. This, along with two-thirds of the 1st Infantry Division—which is currently replacing the 24th Infantry Division at Fort Riley—[deleted] in CONUS, constitute the Army portion of our initial commitments to NATO. Our principal concern here is that United States and other NATO Forces on the ground are capable of meeting a Warsaw Pact attack. The immediate threat is a composite force of about [deleted] Soviet and Eastern European divisions equipped with modern tanks and mechanized carriers, supported by sophisticated air and air defense weapons. We saw a graphic example of the Warsaw Pact capability in Czechoslovakia in the summer of 1968.

To my mind, the stability and security which NATO Forces have brought to Western Europe over the past two decades is ample justification for our contribution. We should not upset this stability by unilateral withdrawal, however tempting that may be. In a larger sense, our forces in Europe are our insurance against the loss of Europe. We cannot afford to cancel the policy simply because we haven't had any claims against it yet—or because we are tired of paying the premiums.

Senator ELLENDER. I wish I could agree with you, general.

SUPPORT OF LAOS AND CAMBODIA

Senator YOUNG. Since Laos and Cambodia are becoming quite engaged, I would like to have your comments on what the Army is doing to support these two countries in the way of equipment, advisors, or any other means of support?

Secretary RESOR. There has been no U.S. military aid program in Cambodia since January 1964 and no Army support for that country since that time.

(Additional classified information was furnished to the committee.)

HELICOPTER LOSSES

Senator YOUNG. What have your helicopter losses been in the past year?

Secretary RESOR. During 1969, the Army lost [deleted] helicopters including [deleted] combat losses. The average inventory during this period was [deleted] helicopters.

HELICOPTER FIREPOWER AND SPEED

Senator YOUNG. Since the helicopter is being used more and more in combat role, I wonder if the Army would be more effective with a fixed-wing aircraft having more firepower and speed?

Secretary RESOR. The Army has studied the application of fixed- and rotary-wing aerial weapons systems in depth and I will attempt to place the attack helicopter's advantages in a combat context. A major portion of these advantages is simply the product of rotary-wing flight characteristics—low, slow, and agile, coupled with vertical takeoffs and landings. These characteristics allow forward deployment under the direct control of the ground tactical commander, thus providing more effective command lines and decreasing response times. The helicopter can be employed in periods of adverse weather when fixed-wing aircraft are normally restricted by low visibility conditions. Here I would emphasize that our previous experience in land combat operations has established that our adversaries will not wait for acceptable flying weather and if our forces have air superiority, the enemy will emphasize operations during periods of adverse weather and at night. In substance, the helicopter affords these advantages over fixed-wing aircraft:

(a) It does not require large immobile fixed bases with attendant overhead and security problems. This forward stationing also provides for faster response to immediate combat requests.

(b) It is much less constrained by weather and light conditions—it can operate under conditions of minimum visibility and cloud ceilings.

(c) With its rotary wing VTOL capability, it is more responsive and can provide a much higher sortie rate.

(d) It operates within the Army structure and its crew is trained in the tactics of the ground commander. Its response to combat demands is thus characterized by greater reliability, flexibility, and effectiveness.

Senator YOUNG. Would you care to comment on your ideas of the helicopter versus the fixed-wing in support of ground troops?

Secretary RESOR. I have already addressed the advantages offered by a rotary-wing aerial fire support system. Further, I agree with General Westmoreland's discussion of this question in his full statement for the record on pages 6 and 7. I think it covers the matter quite nicely.

The first is the so-called Parrot's Beak, where you see two blue arrows. I might add that from here [indicating] to Saigon is 33 miles.

The other is an area known as the Fish Hook, which is the location of the base area from which the COSVN headquarters historically has operated. COSVN is the political and military headquarters which controls all operations in the southern portion of South Vietnam. _____.

With that, I think I can go to the statement, which you will be able to follow.

As this subcommittee is well aware, the Vietcong and North Vietnamese Forces have operated for many years from bases which sit astride the Cambodian-Vietnam border. The enemy has used these areas to train and prepare his forces and to store his military supplies, knowing that he was secure from an allied attack into Cambodian territory. He has been able to strike from these sanctuaries, but his efforts have been limited by his available supplies and the impermanency and lack of sophistication of his bases. Constraints imposed by a neutral Cambodia gave the enemy only irregular access to the Port of Sihanoukville and a marginal supply channel through the Ho Chi Minh Trail.

SIHANOUKVILLE

Mr. MAHON. Will you point out on the map the Port of Sihanoukville?

Secretary LAIRD. It is right down here, Mr. Chairman. I will point these out for you while General Wheeler is going through the statement.

General WHEELER. Between 1965 and 1970, 15,000 tons of military equipment were transshipped through Cambodia.

Mr. SIKES. That is through Sihanoukville or the Ho Chi Minh Trail, or both?

General WHEELER. That is through Sihanoukville, primarily, Mr. Sikes.

Thirty-two hundred tons of arms and ammunition were delivered between January 1969 and January 1970.

When it became obvious that the new Cambodian Government, which came to power with the ouster of Sihanouk on March 18, intended to close the port of Sihanoukville to the Communist arms traffic, the enemy was faced with a dilemma. He could accept the cancellation of existing trade agreements with Cambodia and adapt his strategies to allow Cambodia its sovereign right of neutrality, or he could expand his aggression. Choosing the latter, enemy forces spread into the countryside and began to seize control of the lines of communication from Phnom Penh. As his campaign developed, his purpose became clear. The North Vietnamese now seek to open and establish their own lines of communication throughout Cambodia to North Vietnam and to the sea. If they succeed in their new goal, the free world forces in South Vietnam will be exposed to a new enemy strength with access to unlimited resources flanking South Vietnam to the west.

To meet these changed circumstances, last week the allied forces launched a coordinated attack against two of the many enemy base area systems which are now located in Cambodia along the South Vietnamese border. Our goal is to break up the enemy base structure found in these areas. I would like to emphasize here that these operations

Prince Sihanouk was in power, as recently as 6 months ago, were coming through Cambodia.

Over 50 percent of the supplies in the III Corps area were coming through Cambodia from the Gulf of Siam. That is now down to zero.

I should hope we would not get back into the position we were in 6 months ago, but the contingency that you outlined could develop, and we could be back in that position.

Mr. MINSHALL. When you say coming through Cambodia do you mean through Sihanoukville?

Secretary LAIRD. Surely.

PREVENTION OF COMMUNIST TAKEOVER OF LAOS AND CAMBODIA

Mr. MAHON. Mr. Secretary, we are committed in South Vietnam. Are we committed to prevent a Communist takeover of Cambodia and Laos?

Secretary LAIRD. No, we are not, Mr. Chairman, except that as far as Laos is concerned, we are committed to uphold the 1962 Geneva accords that provide for the neutrality of Laos. We do have a commitment under the 1962 Geneva accords which was made when the accords were signed during the Kennedy administration. That is our commitment as far as Laos is concerned.

As far as Cambodia is concerned, we have no treaty commitment to Cambodia.

EFFECT ON SOUTH VIETNAM IF LAOS AND CAMBODIA FALL

Mr. MAHON. From the standpoint of the position of the United States and the free world versus the Communists, if we maintain our power and the power of the South Vietnamese in South Vietnam and lose to the Communists Laos and Cambodia, to what extent does our position become somewhat untenable?

Secretary LAIRD. Mr. Chairman, I would just like to repeat that, although Cambodia was a neutral government in the minds of many people, Cambodia was certainly being used up until 6 months ago to supply the Vietnamese Communist forces in South Vietnam. I hope we don't get back to where we were 6 months ago. But we are not engaged in a massive military assistance program to Cambodia and never have been. We are not engaged in putting American military advisers in with the Cambodian army. The French do have some military advisers with the Cambodian army. I am sure you are aware that they still have a military assistance program with Cambodia. Now, the Cambodian military assistance program that the French have is not a large program, but we have no indications that the French have cancelled that program.

PRIOR OPERATIONS IN CAMBODIA

Mr. MAHON. To what extent, General Wheeler, during past months and years have we bombed the fringes of Cambodia? I don't mean that we made any public statements about it, but have we over a period of months and years bombed the fringes of Cambodia?

General WHEELER. We have responded to attacks from Cambodia with artillery fire and with airstrikes.

Mr. MAHON. Has that been on the record in the past?

General WHEELER. Yes, sir, that part of it has been. We have always made an announcement of it.

Mr. MAHON. Those strikes into Cambodia by our bombers have not been sufficiently effective?

General WHEELER. No, sir, not to take care of something like this.

Secretary LAIRD. Not to take care of the extensive facilities that they have in there, Mr. Chairman; wouldn't you say, General Wheeler?

General WHEELER. That is right.

REACTION OF CHINESE AND NORTH VIETNAMESE

Mr. MAHON. What reactions have there been by the Chinese or the North Vietnamese to our actions of last week?

General WHEELER. Nothing. All they have gone into is a very high propaganda operation. So far, there has been no military reaction. In South Vietnam there have been some increased attacks by fire, particularly in III and IV Corps, but we were expecting one of these periodic high points, anyway.

POW CAMPS IN CAMBODIA

Mr. MAHON. The President mentioned, I believe, that these base camps in Cambodia included POW camps. Are operations underway to overrun these POW camps? During World War II several operations of this type were conducted by U.S. forces. Are we undertaking something of that type now?

General WHEELER. We are hoping that we will be able to uncover some of them and release the people that are in there. We haven't, to date, found any POW camps.

Secretary LAIRD. Over ——— reported observations of VC/NVA PW camps in Cambodia have been reported by enemy prisoners, ralliers, and other sources. About ——— of these reports fall into the areas described by President Nixon's speech of April 30, 1970. Little is known about these installations other than their reported locations and that they are constructed of local materials and well hidden from air surveillance. Although these camps have been reported, none have yet been located nor any prisoners located.

ENEMY AIRFIELDS IN CAMBODIA

Mr. MAHON. During the President's speech mention was made that the North Vietnamese base camps in Cambodia included airfields. How were these airfields being used? What have we done during the recent days about these airfields and what were the points of origin of the roaming flights?

General WHEELER. There is only one airfield. It is an airstrip, really, a dirt strip, in the Fish Hook area which was used, apparently, to bring in light aircraft and helicopters from time to time. ———.

U.S. TROOPS IN SOUTH VIETNAM

Mr. MAHON. As you know, there have been some statements made to the effect that, at a time when we are taking a rather dramatic step

up was two 600-bed underground hospitals. This is what the press is saying, in case you haven't been following it.

Secretary LAIRD. We gave a briefing on this as to some of the things that have been picked up, and we are releasing the pictures. We do not handle all the reporting on this matter, and I want you to understand that.

Mr. MINSHALL. I know.

Secretary LAIRD. As far as a security breach in this area is concerned, I think that undoubtedly the North Vietnamese were aware that we were going into the area because of the massing of troops during the previous 48 hours.

As far as the COSVN headquarters is concerned, the warning that they had came from the fact that for 3 days before we went in there, we conducted bombing missions with B-52's. When you launch the number of B-52 sorties that we were using, of course, it does give some indication that activity is going to take place.

In order to protect the American troops who were going in there, to keep casualties to a minimum, and to achieve our primary objective of destroying the facilities and making them inoperative, I felt, and it was the recommendation of General Abrams, that the B-52's should be used there. I am sure General Wheeler concurs in this.

We would have had greater surprise without using the B-52's, but there would have been greater American casualties, and our intention, as always, was to keep the casualties to a minimum. We are primarily going after the facilities; the troops are important, but they are secondary.

Mr. SIKES. We understand that. I think that is proper. The question then is, if we do not find the supplies, are we to assume that they simply were not there and we made a mistake about this concentration; that they are somewhere else?

General WHEELER. I think, in the first place, we are going to find far more supplies than have been reported to date, because they will be going through there, "foot by foot." These are large areas, and it will take time to find them.

Secondly, even if we do not find the supplies, I still do not think it is a mistake, because I think the long-term psychological shock of having us move against their base areas, their sanctuaries, is tremendous as far as they are concerned. It presents them with a dilemma.

(Discussion off the record.)

BOOBYTRAPS AND MINES IN CAMBODIA

Mr. CEDERBERG. Did they have time to boobytrap or mine any of these areas? This would be an indication of how fast they went out.

General WHEELER. We have not run into as many mines as you might have expected. However, habitually they boobytrap their installations. They do this as a matter of course. We are going to run into more mines and boobytraps as we go along.

Down in the Parrot's Beak area, we have lost three to four APC's, and they ran onto mines.

REBUILDING OF SANCTUARIES

Mr. WYMAN. You have outlined the search and destroy function in your statement, and then you estimate withdrawal in 6 to 8 weeks. What is to guarantee they won't come right back again?

General WHEELER. Because the monsoon is going to come probably at the end of this month, and the Parrot's Beak area will be inundated. It took them something like 4 years to build up the Fish Hook area. They will not be able to recreate it very quickly in the middle of the monsoon rains.

Mr. SIKES. Why withdraw? If this area is important, why not hold it for security until peace is established?

General WHEELER. That is a political decision, Mr. Sikes.

ORIGIN OF CAPTURED WEAPONS

Mr. SIKES. I notice from the pictures of captured weapons you have here, a significant number of them are World War I and II type, bolt-action rifles, that look British rather than Chinese or Russian. This would indicate that some of these may have come out of old Cambodian stocks rather than North Vietnamese or Viet Cong stocks.

General WHEELER. Some of the VC have some of these old weapons, Mr. Sikes, as you know, although the greater number of them are armed with more modern weapons, the AK-47's.

Mr. SIKES. I thought all the Communist forces are now armed with AK-47's.

General WHEELER. They are. These might have been guerrilla-type forces.

COMPARISON TO "HAMBURGER HILL" OPERATION

Mr. ADDABBO. How does this operation differ from Hamburger Hill? There we went in and lost boys and took the mountain, and then we moved back and they took it again.

General WHEELER. In the first place, we did not take Hamburger Hill. The first troops there were troops of the 1st ARVN Division. Secondly, I think there is a great deal of difference between the two operations. In the case of the so-called Hamburger Hill, our objective was to deny the enemy an observation post and a base from which he could fire on our troops operating in the Ashau Valley. Once we left the Ashau Valley, there was no reason for us to continue to hold the hill. In fact, it was sitting out there greatly exposed. Cleaning out supply bases is entirely different.

OPPORTUNITY TO ENTER CAMBODIA

Secretary LAIRD. I think one thing should be understood here, gentlemen. This is the first opportunity we have had to go into the sanctuary areas in Cambodia. This is a political matter more than anything else. During the last 4 or 5 years, as these sanctuaries have been built up, our Government has been in a position where it would not move against the sanctuary areas because of the position taken by the Cambodian Government. We moved across the border from time to time when we were under attack and when such movement was necessary to protect our forces—with tactical air at times, and at times with artillery. But we did not have the opportunity, primarily because of political reasons, to move into the sanctuary areas and destroy these facilities.

At this particular time we can operate there for 3 or 4 weeks; after that the rainy season will probably start there, and we will not be able

expected to increase the cost in 1971 starting in July or August of this year.

USE OF SOUTH VIETNAMESE FORCES IN THE "FISH HOOK"

Mr. MAHON. Off the record.
(Discussion off the record.)

Secretary LAIRD. I think it is important to understand that in this Fish Hook area you had not only the U.S. 1st Cavalry and 11th Armored Cavalry Regiment but also the U.S. 25th Infantry Division opposite that area. The South Vietnamese that moved into that operation had to be moved in after U.S. forces, and that is why they were airlifted in. They were airlifted in back of the U.S. forces. The situation was such that this was in an area where the United States still had responsibility, and that is why the South Vietnamese were airlifted in behind.

Mr. RHODES. Didn't you have some South Vietnamese paratroops up pretty close there, though?

General WHEELER. They were airlifted in.

Mr. RHODES. They were with the 1st Cavalry?

General WHEELER. They were with the 1st Cavalry. They were airlifted in.

Mr. MAHON. Off the record.
(Discussion off the record.)

SUPPORTING NEW CAMBODIAN GOVERNMENT

Mr. MAHON. Is a major reason for sending U.S. troops, equipment and air support into Cambodia support of the Government of Cambodia against the North Vietnamese and Viet Cong forces which have strongly pressed the new Cambodian Government since the overthrow of Prince Sihanouk?

Secretary LAIRD. No, that is not the reason for this operation.

Mr. MAHON. Please elaborate on that.

(The information follows:)

Our operations against the sanctuaries are primarily to protect American lives and contribute to success of the Vietnamization program. By destroying the Vietnamese Communists substantial supply base and command, control and logistic facilities in Cambodian sanctuaries, we can limit the Vietnamese Communist capability for major operations during the next 6 months—a critical time in Vietnamization.

TIMING OF CAMBODIAN OPERATIONS

Mr. MAHON. The sanctuaries in Cambodia which we are attacking are not new. Many are said to have existed for 5 years. The testimony this morning has indicated that. There are sanctuaries in Laos and in North Vietnam. Please explain why we chose this particular time to attack the Cambodian sanctuaries. Please elaborate fully.

Secretary LAIRD. In the period April 20–30, 1970, intelligence assessments of the situation in Southeast Asia were reporting a generally deteriorating military condition in Cambodia and indications of an increased level of enemy military activity in South Vietnam. The Communists had completed a supply effort of unprecedented proportion during the dry season. Following the ouster of Sihanouk on March 1, VC/NVA forces in Cambodia commenced active operations against Cambodian forces to solidify and expand their hold on sanctuaries.

areas. Control of lines of communication in eastern Cambodia outside of the sanctuary areas shifted to the VC/NVA and facilitated the enemy's movements and control of the countryside.

During April the North Vietnamese moved out of their sanctuaries and deeper into Cambodia in an effort to establish a solid Communist-held zone extending 600 miles along the Cambodian-South Vietnamese frontier from Laos to the sea and west along the sea coast to Sihanoukville. This presented a situation where an allied move into the sanctuaries at that time would mean less American and South Vietnamese casualties than would otherwise be the case.

There were strong indications that the VC/NVA would launch additional high points in South Vietnam in the near term. Prisoner interrogations and captured documents pointed to increased enemy activity in early and mid-May. In addition, his improved logistics posture and an adequate force strength gave the enemy the capability to launch such high points. Support for such military activity would, of necessity, derive from base areas located in the border region.

During this period, Cambodian forces gave ground in the vicinity of enemy base areas to a depth of about 20 miles from the Cambodian/South Vietnamese border. This only served to improve the enemy's lines of communication, battlefield mobility, security, and overall threat to U.S. forces in South Vietnam.

AUTHORITY OF PRESIDENT TO SEND TROOPS TO CAMBODIA

Mr. MAHON. What is the authority of the President to send American troops into Cambodia without a declaration of war or any other action by the Congress?

Secretary LAIRD. The authority is based on the President's responsibility as Commander-in-Chief for the protection of American lives.

Mr. MAHON. In Vietnam?

Secretary LAIRD. In Vietnam.

Mr. MAHON. In other words, the President has as much constitutional authority to take this action in Cambodia as he does to be in Vietnam in the first place?

Secretary LAIRD. That is correct, Mr. Chairman. It seems to me that as Commander in Chief he should, whenever possible, pursue a policy of protecting the lives of Americans who are in Vietnam.

PROHIBITING USE OF TROOPS IN CAMBODIA

Mr. MAHON. If section 643 of the Department of Defense Appropriation Act of 1970, which prohibited the use of funds appropriated in that act to finance the introduction of American ground combat troops into Laos or Thailand, had included Cambodia, would the President have been precluded from taking the action which was announced last week?

Secretary LAIRD. That is correct, excepting always situations where some limited action is necessary to protect the lives of American soldiers under our protective reaction policy. Now, you have a little different situation with the sanctuary areas in Laos than you do in Cambodia, but apart from the prohibition currently in the law against the use of American troops against sanctuaries in Laos, Cambodia is

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STATEMENT OF HON. MELVIN R. LAIRD, U.S. SECRETARY OF DEFENSE; ACCOMPANIED BY DR. JOHN F. FOSTER, JR., DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING, DEPARTMENT OF DEFENSE; AND ADM. THOMAS H. MOORER, ACTING CHAIRMAN OF THE JOINT CHIEFS OF STAFF, AND CAPT. ANDREW J. VALENTINE, JAGC, U.S. NAVY, LEGAL AND LEGISLATIVE ASSISTANT TO THE CHAIRMAN, JOINT CHIEFS OF STAFF

APPROVAL OF NATIONAL SECURITY COUNCIL

Secretary LAIRD. Mr. Chairman and members of the committee, the decision made by the President of the United States to enter the sanctuary border areas of Cambodia was debated and discussed by the National Security Council more than any question that has come before the National Security Council since I have been Secretary of Defense and a member of the Council.

All aspects of the move into the sanctuary areas were debated and discussed at great length, and all of the pros and cons of this decision had a very thorough and complete discussion.

This plan was presented by me to the National Security Council. It is supported by me and by every member of the National Security Council.

OBJECTIVE OF OPERATION

I think it is important for us to understand thoroughly what the objectives of this military operation are.

The objective is to destroy the enemy's supplies and facilities which have been used for some 4 to 5 years to attack American and South Vietnamese military personnel on a so-called hit-and-run basis. The long-term objectives of this move are, of course, to hasten the withdrawal of Americans from South Vietnam, to speed up the Vietnamization program and to reduce American casualties.

The timing on this activity was based to a large extent upon the political changes which took place in Cambodia as well as the weather conditions which limited the period of time in which the sanctuary facilities could be destroyed. As you know, Mr. Chairman, there will be a period of severe rain in this area of the Southeast Asia, which will commence within 3 to 4 weeks and will last for a duration of several months. If the opportunity to destroy these facilities was going to be taken, it had to be taken now, and a decision was made on a very selective basis to move into these sanctuary areas, not to destroy people, but to destroy facilities, the supply and logistic support which was being used against American ground forces.

The overall success of this operation will be assessed on the basis of whether or not we are able to hasten the Vietnamization program and the withdrawals of American forces from Southeast Asia, and of what its effect is upon American casualties 2 and 3 months from today.

Thus far these operations have exceeded our expectations concerning the tactical advantages stemming from the destruction of supplies, ammunition and facilities.

(The information follows:)

Military update of Cambodian operations, 12 May 1970

Latest cumulative data:

Enemy killed-----	5,004
Detainees-----	1,360
Individual weapons captured-----	7,068
Crew-served weapons captured-----	964
Rice (tons)-----	1,762
Rice (man-months)-----	\$3,149
Rockets (each) captured-----	8,849
Mortar rounds captured-----	10,411
Small arms ammunition captured-----	3,961,199
Land and personnel mines captured-----	708
Bunkers destroyed-----	2,247
Vehicles destroyed or captured-----	167

MOTIVATION OF CAMBODIAN MOVEMENT

Chairman STENNIS. Thank you very much.

Senator INOUYE. Mr. Secretary, in your response to the opening inquiry of our chairman on this matter of Cambodia, you stated that these sanctuaries had been in existence and have been maintained for about 5 years.

Secretary LAIRD. Four to five years, I believe. They have been enlarged during this period of time, but the sanctuaries in Cambodia have been used by the North Vietnamese during the last 4 to 5 years.

Senator INOUYE. These sanctuaries have been there, but suddenly we decided to enter these sanctuaries because of what you stated are political changes that occurred in Cambodia. I believe I am quoting you correctly; am I not?

Secretary LAIRD. Yes. There has been a change as far as the Government in Cambodia is concerned. Previously the Government had always objected to any activity on the part of United States or South Vietnamese forces in the North Vietnamese sanctuary area of Cambodia.

ACQUIESCENCE OF CAMBODIAN GOVERNMENT

Senator INOUYE. In view of this response, may I ask if our Government consulted the Government of Cambodia before entering the sanctuary areas?

Secretary LAIRD. I think the term "consultation" has various connotations. I would respond to your question by saying that the Cambodian Government was informed, and it had no objection.

Senator INOUYE. Did any representative of Lon Nol's government directly address itself by approving this mission?

Secretary LAIRD. The Government has now come out with a statement approving the operation. There were certain advantages in not getting this tied up with a formal request of the Cambodian Government.

As Secretary of Defense, I am primarily interested in the Cambodian sanctuary operation from the standpoint of how it affects Vietnam and the Vietnamization program. I am not primarily interested in this from the standpoint of how it affects the Cambodian Govern-

ment as such. And so I think the procedure used of informing the Government to see if there would be an objection, was the proper one under these circumstances.

It is true that the Government now has made public its approval of this particular action, but I think the procedure used was the proper one as far as our Government is concerned.

Senator INOUYE. I believe, Mr. Secretary, you stated that although the sanctuaries existed for about 4 to 5 years and there were constant harassments to our troops, we have not entered these areas because of opposition of the prior government headed by Prince Sihanouk?

Secretary LAIRD. The opposition to movement into the sanctuary areas was well known to our Government, that is correct.

U.S. INVOLVEMENT IN CHANGE OF GOVERNMENT IN CAMBODIA

Senator INOUYE. That being the case, I wish to ask you a question because of the magnitude of our movement into Cambodia.

Did the United States, through agents or representatives, directly or indirectly, covertly or overtly participate in the overthrow of Sihanouk?

Secretary LAIRD. No.

Senator INOUYE. Was the U.S. Government advised of this change before it happened?

Secretary LAIRD. We had some indication of the difficulties that were going on within Cambodia, such as the student demonstrations, but it was not anticipated at the time of the student demonstrations that the change would necessarily take place. However, we were following the activities within the country. We had only a very small mission in Cambodia at the time these activities were going on.

The maximum number of Americans in the U.S. mission in Cambodia was approximately 13. We were not involved in any way in the change of Government in Cambodia.

Senator INOUYE. I would gather that our Government recognizes that Cambodia is a sovereign, independent country, am I correct?

Secretary LAIRD. That is correct, and we hope that Cambodia maintains its neutrality.

COMPARISON WITH PAST ACTIONS

Senator INOUYE. During our past wars, let's take World War I and World War II, wars that were fought primarily in Europe, did we invade European sanctuaries which were occupied by enemy forces?

Secretary LAIRD. We made large movements into Africa, Italy, France, and Germany. These were all parts of our overall military operations and in those cases we were in a state of war.

I do not, however, like to compare the operations into the occupied territory in Cambodia to the massive moves we made in World War II, and I believe that the operations which we are conducting in the sanctuary areas along the Cambodian border, which are completely occupied and under the control of the North Vietnamese and have been occupied by them for several years should be put into the proper context. At no time do we expect the number of American advisors and ground troops in Cambodia to exceed 20,000, and the number there is now going down rather than up.

WHY DELAY IN IMPLEMENTING PROGRAM

Senator BROOKE. Yes; I do. Why was this decision not made earlier, if the Government was aware of the existence of these arsenals? Why was the decision not made to destroy these arsenals prior to the withdrawal of 105,000-odd men from South Vietnam, in the interest of protecting the remaining men in South Vietnam?

Secretary LAIRD. I addressed that question earlier today, Senator Brooke, and I would note that we have already cut back the troop ceiling by over 115,000 since the Midway Conference of a year ago.

Certain political changes have taken place in Cambodia which presented a different set of circumstances as far as the sanctuary areas were concerned.

We met our troop ceiling of 434,000 on the 15th of April. The changes which took place in Cambodia started unfolding about the middle of March. The situation was one where a final judgment could not be made until after the new Government had been in office and in power for a period of some 30 days.

I want to make it clear that the troop ceiling reductions of the past were not based upon any anticipated action in the Cambodian sanctuaries. However, the troop withdrawal actions in the future can very well be affected favorably by the actions which have taken place in the sanctuary areas in the last two weeks, that will continue at a fairly substantial rate until the 15th of June, and that will be phased out completely by the 30th of June.

Chairman STENNIS. Senator McIntyre.

USE OF U.S. TROOPS QUESTIONED

Senator MCINTYRE. Mr. Secretary, I want to look back just briefly.

First of all, we have been told Vietnamization is going along satisfactorily. Then we are told that the B-52's have been sent in and this lost the element of surprise. This was understood because it would have given the enemy an opportunity to flee the areas. The reduction of confrontation would be significant in loss of life, that is, we would prevent further casualties on our forces and our mission was primarily to destroy the bunkers, the communication centers, the supplies and so forth.

Now, why was it necessary to use U.S. ground forces at all in this type of operation?

Secretary LAIRD. First, the area where the U.S. ground forces were first used was an area where we had the 25th Infantry Division and also the 1st Cavalry Division. To move the South Vietnamese into that particular area and move Americans out of their base camp areas down to cover for the South Vietnamese in some other area would have certainly been a very difficult task to perform.

We were going into the Fishhook area, and from a practical military standpoint the Americans were used primarily in the Fishhook area where their base camps were close at hand.

Since the Parrot's Beak area is next to the IV Corps area where the South Vietnamese have the complete responsibility for military ground activities, South Vietnamese forces were used.

I am primarily concerned about our addition of Cambodia as another country that we are now going to defend in Southeast Asia.

My question relates to the assumption by indirection of Cambodia as a country under our defense perimeter. I mean, we are supporting South Vietnam. They, in turn, by their actions and by their own admission are probably going to stay in Cambodia for some time, and by their sending the river group up the river to Phnom Penh with our logistics support, have in essence, assumed the support militarily of that government indefinitely.

If we are supporting South Vietnam and South Vietnam supports Cambodia, how can you say that we have not assumed by indirection support of Cambodia?

Secretary LAIRD. Well, first, I think it is most important that we understand the mission that you refer to, the mission which has been conducted by the South Vietnamese to remove refugees from Phnom Penh. This is not a military operation; this is an operation to remove refugees and to bring them back, and that is being done.

I want it understood that there are no Americans involved in this operation. Americans are limited in their activity to the guidelines that were publicly stated by the President of the United States, and this so-called 21-mile limit is adhered to rather rigidly as far as American forces are concerned.

Those orders have been given to our forces, and I have no reports that any American military personnel accompanied the river force that went up to relieve some of the refugees in Phnom Penh. If they did, and I have no reports that they did, this would be a violation of their orders.

Now, as far as the South Vietnamese activities are concerned, it is indeed important that the South Vietnamese not be spread so thinly that they cannot carry on their program and meet their security responsibilities within South Vietnam. I am sure that they understand that completely, and it has been the responsibility of our Ambassador and our Embassy, as well as our military leadership, to make this very clear to the South Vietnamese.

Senator SCHWEIKER. If we end up supplying the troops from South Vietnam turning into Cambodia, how can we not be assuming the defense of Cambodia?

Secretary LAIRD. Well, in discussing the question about whether South Vietnamese forces might be used at some future time in the sanctuary areas, I want to make it very clear that I think it would be a very grave error if we were to state categorically here today or at some future time that the South Vietnamese would not be in the sanctuary areas after they have acquired the complete capability of handling that situation. I don't believe that is the way we should proceed today in this particular discussion.

I think it would limit us in many ways. It would limit us as far as negotiations are concerned, and it certainly would limit us in any military confrontation that might occur at some future time between the North Vietnamese and the South Vietnamese.

Senator SCHWEIKER. Well, you may well have more information than I have, but the news reports indicate that the head of the Government of South Vietnam has made it clear they are not going to be bound by any time schedule, and some of the news reports also say they are

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IMPACT OF VIETNAMIZATION PROGRAM

Senator INOUE. I can't quite understand your response to the question of whether the timetable applies to the Vietnamese troops, the South Vietnamese. If I am not mistaken, we appropriate monies to feed and arm and train these troops. In fact, our military command just about coordinates all of the activities in South Vietnam.

Are you trying to tell us that we can't tell the Thieu government what the timetable should be?

Secretary LAIRD. That was not the purpose of my answer to Senator Jackson's question. The purpose of my response was to avoid the implication that the South Vietnamese at no time would ever go into the sanctuary areas in the future. I did not believe that it would be proper for us to make such a condition public or to indicate that this would be the course of action they would pursue in the future.

After all, we are interested in a negotiated settlement in Vietnam, a negotiated settlement that permit us to accomplish the objective of self-determination for the people of South Vietnam. I don't believe that we come very close to a negotiated settlement if we place a great number of conditions upon the Vietnamization program.

I think that, as soon as Hanoi realizes that Vietnamization is going to work and the South Vietnamese are going to be capable of meeting not only the VC threat but also the North Vietnamese threat, you will see movement, perhaps in Paris or through some other international group, and we can secure a settlement along that line.

I do not believe that we can secure any kind of a settlement along that line in Paris or in any other international group if we place certain conditions upon the use of the Vietnamese forces as they take over full and complete responsibility in South Vietnam and as Americans are withdrawn from combat responsibility, and eventually, from all responsibilities in that country.

THOROUGHNESS OF PROGRAM TO PREVENT REOCCUPATION

Senator INOUE. You have stated that this mission has exceeded expectations and that all American troops will vacate Cambodian soil by the first of July.

I believe we are correct in assuming that the North Vietnamese, as soon as we vacate that area, will be back again?

Secretary LAIRD. They won't be able to move back right away and use the facilities for at least 5 or 6 months at the earliest, because we intend to destroy these underground bunkers, and to destroy or remove the equipment, munitions and food supplies in the area.

Senator INOUE. In 6 months, if they are back there in full force again, are we going to reenter Cambodia?

Secretary LAIRD. No; such an operation would be the responsibility of the South Vietnamese, should such a decision be made at that time.

There are other conditions involved, such as the diplomatic considerations, and I don't want to give you too short an answer, but I understood there are other conditions that might be involved such as objections from the Cambodian Government, and there are other conditions that I am sure you are aware of.

Chairman STENNIS. Your time is up, but ask your additional question.

Mr. FRASER. But just on this last point, though. You said that the incursion into Cambodia has resulted in the need for more support for the Cambodians. This is an interesting comment by you, in the light of the claims that have been made.

Secretary ROGERS. I didn't say that. I said it is less support. They don't need sophisticated weapons. There isn't any risk, really, of our Armed Forces in Cambodia, because they have an army of their own now. At that time there was concern on our part that by supporting them with large amounts in a way that they couldn't absorb at that time we would then be tempted to use our ground forces in Cambodia.

That situation has changed. The factual situation is entirely changed. And the South Vietnamese have been helping in Cambodia, too.

Mr. FRASER. How much?

Secretary ROGERS. Well, they have had a lot of ground forces in Cambodia.

Mr. FRASER. Have they transferred any materiel or ammunition, or weapons?

Secretary ROGERS. They have transferred a good many captured weapons, yes.

Mr. FRASER. Have they transferred any weapons that were of U.S. manufacture?

Secretary ROGERS. I don't think they are permitted to, are they, under the law? You can ask the Secretary of Defense. I don't happen to know that precise answer, whether they have or not. I think they are prohibited by law from doing it.

Mr. FRASER. Is our Air Force giving support to the Cambodian forces, in Cambodia?

Secretary ROGERS. Our Air Force is, as you know, flying missions over Cambodia, to interdict supply and communications lines, and has been for some time.

Mr. FRASER. There were newspaper reports of interviews with Cambodian military personnel which indicated that they could call in U.S. tactical air support whenever they needed it. Would that be an honest representation of the facts?

Secretary ROGERS. No, I don't think so; but I can see why someone—in talking to a newspaper man—might have suggested that as a possibility, because obviously there has to be close coordination between the Cambodians and the South Vietnamese, and also Americans.

Mr. FRASER. Well, Mr. Secretary, my understanding is that the North Vietnamese control a good part of the eastern and northeastern areas of Cambodia.

Secretary ROGERS. That is correct.

Mr. FRASER. If that is true, why would this close coordination be required, if the Cambodian forces are operating closer to Phnom Penh and all we are doing is interdicting supplies that run down close to the border? Where is this need for close coordination?

How can you explain that kind of a news account?

Secretary ROGERS. Well, I don't attempt to explain every news account, but—

Mr. FRASER. Well, you know the history of Vietnam in terms of the reliability of information we have gotten.

Secretary ROGERS. If you will give me a chance, I will do the best I can.

Obviously the Cambodians provide intelligence information to the South Vietnamese. And we in turn get that information. Now we still are pursuing a policy which is to prevent Cambodia from being used as a base for attacks against our forces, and in that connection we try to interdict supply lines and communication lines.

Mr. FRASER. Supply lines—

Secretary ROGERS. Well, could I finish? And then I will come back.

Mr. FRASER. Sorry.

Secretary ROGERS. So from time—and there has never been any hesitation on saying this—we do bomb in Cambodia, and I can see why some Cambodian might have said that he has sent word out to the South Vietnamese about the presence of North Vietnamese troops and later on attacks were made. But the fact is that the policy that we are pursuing is to interdict supply and communications lines to prevent the North Vietnamese from establishing sanctuaries in Cambodia to attack our troops.

It is true that they have forces in the northeastern part of Cambodia. And they have taken over a good deal of that territory, because it is fairly rural and there is very little population in that area.

But we have done exactly what we said we were going to do. We have gotten our ground troops out of there, and our program of Vietnamization is proceeding apace.

Mr. FRASER. Mr. Secretary, are you prepared to state flatly that the U.S. Air Force is not called upon to give support to Cambodian military operations?

Secretary ROGERS. Well, I think it is a matter of semantics. Why don't you, when the Secretary of Defense is here, ask him? But our policy is not to do that.

Now obviously at times when we make raids, and we do what we think is being done pursuant to our policy of interdicting supply and communications lines, we obviously indirectly support Cambodia to that extent. We can't avoid it. But that's not our purpose, and that's not our policy.

Mr. FRASER. Well, Mr. Secretary, you would agree that if the committee should approve this supplemental for Cambodia, this would represent the first direct congressional authorization for establishing a substantial pipeline of support to Cambodia?

Secretary ROGERS. Well, certainly it is the first authorization of its kind for Cambodia. I think it speaks for itself. I would rather not characterize it.

Mr. FRASER. In other words, though, if we were to approve this we would approve the allocation of over a quarter of a billion dollars to Cambodia. If later it was questioned as to how we became involved in Cambodia, you could point to this congressional action as having authorized you to establish a \$285 million program for Cambodia.

Secretary ROGERS. Well, the first \$100 million of MAP, plus the, of course, \$30 million of Public Law 480 was done under Presidential authority, so the remainder, which we are asking this committee to approve, would be \$155 million so to that extent we could say that this is the first time Congress had approved \$155 million for Cambodia,

Mr. FRASER. And so under that rationale wouldn't the use of Air Force planes anywhere in Cambodia contribute to that end?

Mr. GREEN. Well, it depends upon how widely you want to interpret it. But I think it is being interpreted in a somewhat restrictive way. I wouldn't want to characterize it. I feel that —

Mr. FRASER. Why wouldn't you want to characterize it?

Mr. GREEN. Well, it doesn't lend itself to a word.

Mr. FRASER. Let me ask you this: Do we sometimes furnish air support in direct assistance to Cambodian military units?

Mr. GREEN. Again, I would prefer to leave this to a military witness to answer.

Mr. FRASER. Well, you must know this. You are in charge of the foreign policy of the United States in that part of the world.

Mr. GREEN. Well, if we are involved in aerial operations that are going to protect our forces, but happens to have the other advantage of helping the Cambodians, certainly it is not going to stop us from undertaking the mission on those grounds.

Mr. FRASER. Well, I read in the newspaper of an account in which a Cambodian officer was indicating to the reporter that he had the ability to call in U.S. air support when he needed it. Now would you think that that was probably an accurate—could that be an accurate characterization?

Mr. GREEN. I can't comment. I don't think it is.

Mr. FRASER. Mr. Secretary, you know the history of Vietnam and the enormous discrepancy that developed over the years between what we were being told and what in fact was happening. Some of it I don't think was intentional, but why shouldn't we be able to get this fact, or these facts, pinned down with some accuracy? Clearly the other side knows all the facts. So who is being deprived of the information? The Members of the Congress and the American public. Is there a security reason?

Mr. GREEN. I don't believe the Members of Congress should be denied such information. I am not in a position really to say more than I have. I am being as forthcoming as I can.

Mr. FRASER. What you are saying is you really don't know very much about this question?

Mr. GREEN. About the particular operations; no.

Mr. FRASER. About the degree to which we are providing direct support to Cambodian military units?

Mr. GREEN. I can only put it in the general terms I already have.

Mr. FRASER. That is all you know?

Mr. GREEN. That's all I know.

Chairman MORGAN. The gentleman's time has expired.

Mr. FULTON.

Mr. FULTON. We are glad to have you here.

What is the chance of Cambodia succeeding in defending itself? The better chance that the United States is trying to establish to give the Cambodians this opportunity for self-defense?

Mr. GREEN. We think they have a good chance of defending themselves; saving themselves. And, as matter of fact, the job is theirs, anyway, to save themselves. It isn't ours. There have been enlistments, as you know, by the tens of thousands. This is something that we didn't run into in Vietnam.

There is a really strong national response to what is a clear-cut case of aggression from the north. There is no group in Cambodia that is

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General WARREN. May I put that in the record? It is [security deletion] times [security deletion].

Mr. FRASER. Well, never mind, General. I can multiply it. I have a calculator.

General WARREN. It is [security deletion] if my mathematics are correct.

Mr. FRASER. Your mathematics are not very good.

General WARREN. I guess not.

Mr. FRASER. General, to what extent are American Air Force planes flying missions in support of Cambodian military operations?

General WARREN. USAF operations in Cambodia are consistent with the President's policy on air operations in Cambodia which is that we will conduct operations to interdict enemy supplies, communications, and personnel when in the judgment of the U.S. commanders, such operations will enhance the safety and security of U.S. or allied personnel in South Vietnam.

That is the administration's policy.

Mr. FRASER. Well, in practice do you know whether or not there are air missions being flown in support of Cambodian military operations?

General WARREN. No, sir, not U.S. missions. Our missions are flown for interdiction purposes.

Mr. FRASER. Well, there aren't very many Cambodian soldiers over there.

General WARREN. No, that's right. Most of the—

Mr. FRASER. Are there any air support missions being flown in areas close to the point of confrontation between the Cambodian and North Vietnamese or Vietcong troops?

General WARREN. Yes, there are. When you mention the point of confrontation, it is pretty well all over the eastern part of the country. There are no lines, as you know.

Mr. FRASER. Well, General, let me put it this way. Let's suppose that some Cambodian soldiers are faced with a force of Vietcong or North Vietnamese. Is there American air support available to help the Cambodian soldiers, under those circumstances?

General WARREN. No, they would use Cambodian aircraft. The Cambodians have a number of low-performance aircraft, but they are quite effective.

Mr. FRASER. Are you saying that we are not flying any such missions? The United States is not?

General WARREN. I just do not know. To the best of my knowledge, a mission like that would not qualify under the primary ground rule that our interdiction efforts are to protect U.S. troops, the Vietnamization program, to enhance continuing American withdrawals, and to reduce American casualties.

Mr. FRASER. There was a newspaper report, a newspaper account of a reporter talking to a Cambodian officer, who indicated that he could call in American air strikes whenever he needed them. That would appear to be inconsistent with what you have said.

General WARREN. Well—

Mr. FRASER. Assuming that that is a correct account.

General WARREN. I haven't seen the newspaper report you refer to, so I am not in a position to answer it.

Mr. FRASER. Well, how much do you know about what kind of air activity is going on?

would be to encourage a greater use of South Vietnamese forces should they be requested by the Cambodian government to operate in Cambodia. This would, of course, have to be at the request of the government of Cambodia; but it would certainly be the first step I would recommend and support.

I am hopeful, however, that we can get this military assistance equipment to the country in time.

IS THERE A CONTINGENCY PLAN FOR CAMBODIA?

Senator CHURCH. I understand. Is there a contingency plan, Mr. Secretary?

Secretary LAIRD. Senator, a tremendous increase has been made in the military forces in Cambodia.

Senator CHURCH. Yes.

Secretary LAIRD. When you go from a force of below 50,000 to a force of above 150,000 in a period of just a few months, there is a difficult transformation for the government and for those people to make.

Senator CHURCH. Is there a contingency plan to send in U.S. troops?

Secretary LAIRD. Contingency planning is a matter that I don't care to discuss with this committee at this time. I can assure you that I have contingency plans for many given situations.

Senator CHURCH. Do you have one for Cambodia?

Secretary LAIRD. There are no approved contingency plans which contemplate the use of Americans in Cambodia as ground combat forces. There are no such approved contingency plans, and I think that is the important thing to keep in mind. I know that Members of the Congress want us to have contingency planning going on on a regular basis, but I can assure you, Senator Church, that there are no approved contingency plans that anticipate the use of American ground combat personnel on the ground in Cambodia.

U.S. AIR COMBAT ACTIVITY IN INDOCHINA

Senator CHURCH. Mr. Secretary, you have emphasized frequently that the administration is engaged in winding down our involvement in the war. You have focused upon the withdrawal of troops. Others have said that although the war is being wound down on the ground, that it is intensifying in the air. I would like to find out what the facts are on that score.

Has our combat activity, including combat sorties, in the air in Indochina—Vietnam, North and South, Laos and Cambodia—been increasing or decreasing? Has the air war been increasing in size and scope or decreasing?

Secretary LAIRD. It is substantially reduced.

Senator CHURCH. As compared to when?

Secretary LAIRD. As compared with early 1970, and as compared with last year. Last year, of course, was probably the best year to use because there was no bombing of the North, but you show a more significant decrease if you go back to 1968 and 1967 when we were bombing the North. But even if you take the number of sorties last

year—I supplied the sortie rate to this committee, and the information is supplied to you on a regular basis—you will find that the sortie rate is substantially reduced.

AIR WAR IN CAMBODIA

Senator CHURCH. What about the air war in Cambodia, Mr. Secretary, is it increasing in scope or decreasing since—

Secretary LAIRD. If you take the situation that existed earlier this year, the air war in Cambodia has decreased. It has substantially increased during the past month as far as the South Vietnamese forces are concerned, but the number of missions flown by U.S. pilots, as compared with South Vietnamese pilots, is much smaller.

You also have that information. I gave it to the committee, in a series of answers to questions which I supplied to the Chairman. I believe that information was made available to your committee yesterday, we have supplied the sortie rates on a regular basis.

Senator CHURCH. In connection with the air war in Cambodia, the emphasis has been on interdiction. Isn't it true that we are also giving air support to Cambodia forces?

Secretary LAIRD. The U.S. Air Force is flying interdiction missions in Cambodia. These interdiction missions are limited to ground concentrations, movement of supplies, et cetera.

Close air support really requires personnel on the ground to direct the fire. The South Vietnamese are conducting some close air support. We do not have U.S. ground spotters positioning our U.S. Air Force attacks. We have very stringent rules on which we briefed a group that represented your committee last week. Those rules provide that there will be no use of interdiction missions by the U.S. Air Force near villages or cities or where there are concentrations of population. We have been very careful in applying those rules to our flights.

I don't want to mislead you in any way, Senator. If a target involving personnel or logistic supplies is in an area where it can be hit without damage to civilians or populated areas, we do use air power to destroy it.

BOMBING ON WESTERN SIDE OF CAMBODIA

Senator CHURCH. I would like to hit one further question before my time runs out. Has there been bombing west or northwest of Phnom Penh, or in the western side of Cambodia in general?

Secretary LAIRD. We have flown interdiction missions in all areas of Cambodia at the request of the Cambodia Government. The major portion of it—

Senator CHURCH. In all areas. What I want to get at is what would bombing in the western part of a country have to do with the interdiction of supply lines feeding into South Vietnam?

Secretary LAIRD. If we have a map here, I can show you the particular rivers that are being used. Support is coming down in that area, not only in movement of troops. Perhaps Admiral Moorer should comment on that. I think he probably even has a map with him.

Senator CHURCH. Admiral, if you will, please.

Admiral MOORER. Yes, Senator Church. They do use these rivers—one in particular is west of the Mekong—and, therefore, on occasion

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when targets have been observed in these rivers, they have been struck, however, the vast majority of the action is east of the Mekong, sir.

The CHAIRMAN. Senator Case.

Senator CASE. Thank you, Mr. Chairman.

PROJECTION OF FISCAL YEAR 1972 ASSISTANCE TO CAMBODIA

Mr. Secretary, the authorization that the administration is seeking now is for the balance of this current fiscal year ending a little more than 6 months from now. I am sure that you are already far advanced in your planning and in your budget work for the next fiscal year, is that a fair statement?

Secretary LAIRD. That is correct.

Senator CASE. Can you give us general terms, without involving security matters, a projection for next year? We are all concerned with the implications of projected aid to Cambodia, which is a new area. What is it going to mean for the future? Can you tell us in a general way what the projection for military and economic assistance is for next year?

Secretary LAIRD. Senator Case, we have that as far as our planning in the Department of Defense is concerned and I would be very pleased to submit it to the committee.

As you know, under the Foreign Assistance Act as presently written, the Department of Defense does make certain recommendations with respect to military assistance program levels. Those recommendations must go through the State Department, however, because the law provides that the State Department is responsible for making overall recommendations on the program. It then comes back to the Department of Defense once the Congress approves it and we are held responsible for all of the equipment that is delivered under the Military Assistance Program. The figures I will provide to your committee have not gone through the final National Security Council process, and they are, of course, classified, but I will be pleased to supply them to you. These are our planning figures for 1972.

Secretary CASE. I certainly don't want to infringe on any executive prerogatives. I understand your position—

Secretary LAIRD. No—

Senator CASE. That your recommendations have been completed, but have not become Government policy.

Secretary LAIRD. They are under consideration at a higher level.

Senator CASE. Right.

Secretary LAIRD. And the recommendations that we—

Senator CASE. That is what I want to get into.

Secretary LAIRD. The request we presented to the Congress this year was for \$350 million, in accordance with the year authorization establishing that amount for fiscal year 1970 and fiscal year 1971 which was passed by the Congress. Now, we have come back with this supplemental request to be added to the \$350 million. Our request for next year will be greater than the original request for this year, and may be higher than the original figures plus the supplemental, which come to total obligational authority of approximately \$770 million.

Senator CASE. And your projected request.

Secretary LAIRD. You are talking about our original request?

This comprehensive approach came against a background of consistent efforts to reach diplomatic solutions. From the outset, this Administration has continued American support for the efforts of Prime Minister Souvanna Phouma to reconstitute the 1962 Geneva Agreements guaranteeing his country's neutrality, independence and territorial integrity. In Cambodia we long tolerated a difficult military situation and encouraged negotiations when Prince Sihanouk was removed.

To date, Hanoi has rejected diplomacy and spread the conflict. The Lao government for many years, and the Cambodian government this year, have turned to us and others for assistance.

These developments left us with the choice between military options. After our one-time sweep against the Communist bases in Cambodia, we have ruled out American ground combat troops in either Laos or Cambodia for several reasons. Our fundamental Vietnam-related objectives are served by other means. In any event, we believe that the two governments can survive through their own efforts, our various kinds of assistance, and that of other friends. We look to them to shoulder the primary combat responsibilities for their own defense.

Moreover, the enemy has its own problems. Despite its ability and willingness to pour thousands of troops into all three countries, North Vietnam faces certain limits imposed by manpower drain and long supply lines. Lack of indigenous support in Laos and Cambodia severely hampers Communist troop movements. And we do not assume that Hanoi's allies want Laos and Cambodia removed from the map of Southeast Asia.

Thus we did not oppose Congressional restrictions this past year on the use of U.S. ground combat forces in those countries, even though we had strong reservations about the principle of circumscribing executive authority.

Instead of deploying our troops we have helped those countries help themselves. In Cambodia, South Vietnam's preemptive thrusts have been crucial for their mutual defense.

Three arguments are raised against these South Vietnamese operations outside their borders:

- That they spread South Vietnamese forces thin. On the contrary, by striking against the enemy's supply system and reducing the border threat, these actions contract the territory that the South Vietnamese army must defend. The alternative of inviolate enemy sanctuaries along a front of 600 miles would stretch South Vietnamese forces much more severely.
- That South Vietnam is expanding the war. Its troops have gone only where the North Vietnamese have been entrenched and violating one country's territory to attack another. It is Hanoi which expanded the war years ago.
- That our support of the South Vietnamese will draw us into wider war. If we are to reduce our involvement in Indochina, we must shield our withdrawals by backing these sweeps against potential threats.

At a time when we are cutting our military presence in one country we are naturally reluctant to send troops into neighboring ones—on grounds both of strategy and American domestic support. It would make little sense for us, while withdrawing hundreds of thousands of ground combat troops from Vietnam, to reintroduce a few into Laos or Cambodia.

The arguments against South Vietnam's defensive actions suggest that Hanoi has the right—without provocation and with complete immunity—to send its forces into Laos and Cambodia, threaten their governments, and prepare to bring its full strength to bear on South Vietnam itself.

The choice for South Vietnam is not between limiting and expanding the war. It is between what it is doing in self-defense and passively watching the menace grow along its borders.

In time the combined populations of 28 million in South Vietnam, Laos and Cambodia, with assistance from their regional partners, should more than balance the resources of North Vietnam, with its population of 20 million. During this transition period, however, our own defensive supporting actions are important. Let me briefly review them.

Cambodia

In Cambodia we pursued the policy of the previous Administration until North Vietnamese actions after Prince Sihanouk was deposed made this impossible.

In the previous chapter on Vietnam I briefly recalled the background and results of the allied sweeps against the Communist sanctuaries which were so vital to Vietnamization. With the operations concluded, our policy for Cambodia took shape as follows:

- No U.S. ground combat personnel in the country, and no U.S. advisors with Cambodian units.
- Air missions against enemy supplies and personnel that pose a potential threat to South Vietnam or seek to establish base areas relevant to Vietnam.
- Military assistance to the Cambodian Government in amounts and types suitable for their army.
- Encourage other countries of the region to give diplomatic assistance.
- Encourage and support the efforts of third countries who wish to furnish troops or material.

The loss of the use of Sihanoukville, as well as the base areas, was a serious setback for Hanoi. For many years almost all North Vietnamese supplies for Military Regions III and IV in South Vietnam passed through the port. Accordingly, during the latter part of 1970 the North Vietnamese stepped up their efforts to reestablish sanctuaries and their attacks on the Cambodian Government. They sought either to reopen their supply lines to southern South Vietnam or to install by force a government in Phnom Penh that would accomplish the same purpose. They failed to do either but they posed significant threats.

To deny them renewed use of these assets we helped the Cambodians defend themselves and we supported

North Vietnam might try to take advantage of our redeployments by building up its strength in the South and launching new attacks. In this case, I have made clear on a dozen occasions that I would take strong and effective measures to prevent the enemy from jeopardizing our remaining forces.

The other important aspect of Vietnamization is pacification, which in broadest terms concerns the situation in the countryside—physical security, popular allegiance, and the military, administrative and political effectiveness of both sides. As the enemy's main force units have been pushed farther away from population centers, the task of extending governmental presence has become progressively easier.

In order to assess the progress in the countryside we developed a new indicator to measure the portions of population under Government control, under the influence of both sides, and under the control of the other side. The basic criteria are whether a hamlet has adequate defense and a fully functioning Government official resident both at day and at night. We devised tough and realistic measures of these two criteria.

In mid-1969 the indicator showed roughly 40% of the rural population under South Vietnamese control, 50% under the influence of both sides and 10% under the control of the other side. Recently these proportions were respectively 65%, 30% and 5%. When South Vietnam's urban population of six million, all under government control, is added to the over seven million rural population in that category, roughly 80% of the total population of South Vietnam is controlled by the Government.

This indicator cannot tell us precisely what is going on in the countryside. It does give us a good grasp of trends—and the trends have been favorable. We are confident that real and substantial progress has been made.

Honest observers can differ on quantitative measures of success in pacification; it is even more difficult to appraise such intangible factors as rural attitudes toward the central government and confidence in its ability to guide the country's affairs. But today more South Vietnamese receive governmental protection and services than at any time in the past six years.

Pacification progress has been slower, however, in certain key provinces in the northern half of South Vietnam, closer to the enemy's staging areas in North Vietnam and Laos. The supply bases in southern Laos perform the function of the destroyed sanctuaries in Cambodia. In these northern provinces the ravages of war have been more severe and the Communist infrastructure has been deeply rooted for over 20 years. Here especially the South Vietnamese Government must increase its efforts to develop capable forces and implement programs to gain the support of the rural population.

Cambodian Sanctuary Operations

Much of this accelerated progress in Vietnamization was due to the now indisputable military success of the allied operations against the enemy sanctuaries in Cambodia last spring.

The March 18 deposition of Prince Sihanouk caught us, as well as everyone else, completely by surprise. The situation that had existed in Cambodia, with the North Vietnamese and Viet Cong occupying a series of enclaves along the border, represented a troublesome but not insuperable obstacle to our efforts in South Vietnam. Our first reaction to Prince Sihanouk's removal was to encourage the negotiations which the Cambodian government was seeking with the Communists. However, Hanoi flatly refused such a course and rapidly spread out its forces to link up its base areas and pose a growing threat to the neutral government in Phnom Penh.

As I pointed out in my final report on the Cambodian operations, enemy actions during April and captured enemy documents unmistakably show their intentions. We faced the prospect of one large enemy base camp 600 miles along South Vietnam's flank; a solid supply route from the port of Sihanoukville through which most of the war materiel for the southern half of South Vietnam had come in the previous six years; and a vast staging and sanctuary area from which to attack allied forces in Vietnam with impunity. This would have meant increased enemy attacks, higher casualties among our men and our allies, and a clear threat to Vietnamization, the withdrawal program and the security of South Vietnam.

Our choice, though difficult, seemed the more necessary the longer we pondered it. If we wished to pursue the policy of turning over responsibilities to the South Vietnamese and withdrawing our troops, we had to clear out the enemy sanctuaries. The alternative was to allow the enemy to build up this threat without challenge, to increase his attacks and to raise allied casualties. This would sooner or later have confronted us with the choice of either halting our withdrawals, or continuing them but jeopardizing the lives of those remaining behind.

I preferred to make a difficult decision in April rather than magnifying our dilemma by postponement.

The results of our joint two-month operations with the South Vietnamese, and the subsequent sweeps of the sanctuaries by South Vietnamese forces, removed the threat. There were as well these positive results:

- greatly reduced American casualties: in the six months before the sanctuary operations the average weekly casualties were 93, in the six months since they were 51.
- extensive materiel and manpower losses for the enemy which they are taking a long time to replace
- the ending of the concept of immune Cambodian sanctuaries.
- the dislocation of enemy supply lines and strategic positions in the Saigon and Mekong Delta regions; as a result the main forces were substantially ended for the southern half of the country during 1970.

- precluded the enemy from reopening his route of supply by sea.
- separation of Communist main force and guerrilla units and a boost to pacification efforts in the southern half of the Republic of Vietnam.
- insurance that our troop withdrawals would continue.
- increased time for the South Vietnamese to strengthen themselves.
- a tremendous lift in the morale and self-confidence of the South Vietnamese.

My decision to send U.S. ground forces into Cambodia, though clearly required because of these factors, was nevertheless anguishing because of the domestic reaction.

At the time those who urged an immediate American pullout from Vietnam were joined in protest by some who generally support our phased withdrawals but misread the Cambodian operations as a return to a policy of escalation. I believed then that the impact of these actions—reduced enemy activity, lowered U.S. casualties, and continued withdrawals—would ultimately persuade some of the latter of the wisdom of our decision.

While many Americans may still disagree with that decision, I think the facts since June 30 have conclusively demonstrated not only the tactical success of the operations but also their strategic purpose of reducing American involvement in Vietnam.

Political and Economic Issues

Vietnamization has political and economic dimensions in addition to military ones. They will become increasingly important as the war winds down.

Political development in any newly independent country is a challenging task. When that country is under fire from a determined enemy, the difficulties are multiplied. The government sees its first priority as providing security. Military considerations are likely to dominate the time of officials, the content of programs, and the freedom of political life.

Nevertheless, political development in a paramilitary conflict is a crucial ingredient of a government's effort. It is increasingly important in Vietnam as the military struggle subsides. Ultimately, the fate of Vietnam will turn on political factors—the motivation of the people during the conflict; the cohesion of non-Communist political forces in a possible electoral competition with the Communists; the solidity of the political institutions during and after the war.

There has been a steady political evolution in South Vietnam beginning with the election of a Constitutional Assembly in 1966 and of the President and National Assembly in 1967. In 1970 there were continued signs of a growing commitment to the political institutions established by the 1967 Constitution. Elections for hamlet chiefs and for Village, Municipal and Provincial Councils took place throughout the country. There were also elections for half the seats in the Upper House which attracted a wide spectrum of non-Communist political forces.

1970 saw enactment of Land-to-the-Tiller legislation, a sweeping land reform program which will give land to tenant farmers and could have significant political impact. It has our full support.

The Presidential and Lower House elections this year will further test the fabric of the constitutional system, the strengths of the various political factions and the allegiance of the people. 1971 will show the extent of political development in South Vietnam. Vietnamese people of all factions will judge the responsiveness of the political process and register their verdicts. The enemy will seek to exploit the political currents of an election year. But it will also be watching—and perhaps drawing conclusions from—the stability of the system.

The maintenance of a sound South Vietnamese economy is crucial for Vietnamization. This problem was of great concern in 1970 but the Government moved on it with some encouraging results.

Our extensive review of the economic situation in July, 1970, made it abundantly clear that the key Vietnamization goals of constructive political change and increased South Vietnamese military performance were intimately linked to the goal of a sound economy.

Prices rose by over fifty percent in the twelve months up to mid-1970. These increases were eroding the purchasing power of the already near-subsistence pay received by many soldiers and civil servants at the very time they were being tasked with the growing burdens of Vietnamization. Moreover, if inflation had continued, the economic security of other major groups, such as farmers, veterans, and urban workers, could have been jeopardized.

In the fall of 1970 the South Vietnamese Government took strong fiscal and monetary actions, including an important reform of the exchange rate. These difficult steps, supplemented by a slight increase in our assistance to offset the increased budgetary costs of Vietnamization, dramatically arrested an accelerating inflation. The price level rose by only about four percent in the last half of the year, setting the stage for policies that can lead to more enduring economic stability.

There are two lessons to be drawn from these developments:

- First, Vietnamization of the economy and the war cannot be accomplished at the same time without our economic assistance. As the South Vietnamese take on more of the fighting they divert more resources from internal production. Our assistance, by providing the external resources to help maintain internal levels of consumption for soldiers, farmers and workers, is a vital aspect of Vietnamization. We will provide external support commensurate with the military burden borne by the economy and people in this difficult period of transition.

This comprehensive approach came against a background of consistent efforts to reach diplomatic solutions. From the outset, this Administration has continued American support for the efforts of Prime Minister Souvanna Phouma to reconstitute the 1962 Geneva Agreements guaranteeing his country's neutrality, independence and territorial integrity. In Cambodia we long tolerated a difficult military situation and encouraged negotiations when Prince Sihanouk was removed.

To date, Hanoi has rejected diplomacy and spread the conflict. The Lao government for many years, and the Cambodian government this year, have turned to us and others for assistance.

These developments left us with the choice between military options. After our one-time sweep against the Communist bases in Cambodia, we have ruled out American ground combat troops in either Laos or Cambodia for several reasons. Our fundamental Vietnam-related objectives are served by other means. In any event, we believe that the two governments can survive through their own efforts, our various kinds of assistance, and that of other friends. We look to them to shoulder the primary combat responsibilities for their own defense.

Moreover, the enemy has its own problems. Despite its ability and willingness to pour thousands of troops into all three countries, North Vietnam faces certain limits imposed by manpower drain and long supply lines. Lack of indigenous support in Laos and Cambodia severely hampers Communist troop movements. And we do not assume that Hanoi's allies want Laos and Cambodia removed from the map of Southeast Asia.

Thus we did not oppose Congressional restrictions this past year on the use of U.S. ground combat forces in those countries, even though we had strong reservations about the principle of circumscribing executive authority.

Instead of deploying our troops we have helped those countries help themselves. In Cambodia, South Vietnam's preemptive thrusts have been crucial for their mutual defense.

Three arguments are raised against these South Vietnamese operations outside their borders:

- That they spread South Vietnamese forces thin. On the contrary, by striking against the enemy's supply system and reducing the border threat, these actions contract the territory that the South Vietnamese army must defend. The alternative of inviolate enemy sanctuaries along a front of 600 miles would stretch South Vietnamese forces much more severely.
- That South Vietnam is expanding the war. Its troops have gone only where the North Vietnamese have been entrenched and violating one country's territory to attack another. It is Hanoi which expanded the war years ago.

That our support of the South Vietnamese will draw us into wider war. If we are to reduce our involvement in Indochina, we must shield our withdrawals by backing these sweeps against potential threats

At a time when we are cutting our military presence in one country we are naturally reluctant to send troops into neighboring ones—on grounds both of strategy and American domestic support. It would make little sense for us, while withdrawing hundreds of thousands of ground combat troops from Vietnam, to reintroduce a few into Laos or Cambodia.

The arguments against South Vietnam's defensive actions suggest that Hanoi has the right—without provocation and with complete immunity—to send its forces into Laos and Cambodia, threaten their governments, and prepare to bring its full strength to bear on South Vietnam itself.

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The loss of the use of Sihanoukville, as well as the base areas, was a serious setback for Hanoi. For many years almost all North Vietnamese supplies for Military Regions III and IV in South Vietnam passed through the port. Accordingly, during the latter part of 1970 the North Vietnamese stepped up their efforts to reestablish sanctuaries and their attacks on the Cambodian Government. They sought either to reopen their supply lines to southern South Vietnam or to install by force a government in Phnom Penh that would accomplish the same purpose. They failed to do either but they posed significant threats.

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Senator YOUNG. Do we airlift supplies and Cambodian troops as we do in South Vietnam?

General RYAN. No, we provide air support of about roughly 50 sorties a day.

1972 WITHDRAWAL OF U.S. TROOPS

Chairman ELLENDER. You spoke about a reduction you propose to make in 1972.

General RYAN. Yes, sir.

Chairman ELLENDER. I presume that the addition to the South Vietnamese forces increases the proportion of our withdrawal.

Secretary SEAMANS. Yes. We will discuss that a little further later.

HELICOPTER SUPPORT

Senator CASE. May I just ask the General, you don't handle any of the helicopter support, either transport or fighting or anything else? That is all done by the Army?

General RYAN. The majority is done by the Army.

Senator CASE. Practically all?

General RYAN. Yes.

Senator CASE. Thank you.

General RYAN. Except for the search and rescue operations.

Senator CASE. You do that?

General RYAN. Yes.

SOUTH VIETNAMESE AIR FORCE GROWTH

Secretary SEAMANS. This reduction in our own sorties was made possible by progress in the Vietnamization program. During 1970, the Vietnamese Air Force grew 49 percent to a total strength of 30 squadrons, and they now have 34. They were flying some 54 percent of the in-country attack sorties in December compared to 30 percent a year earlier. They have shown us that they are capable of maintaining and using effectively the equipment that we are providing them.

Senator SYMINGTON. Mr. Chairman, may I ask a question?

Chairman ELLENDER. Yes.

AIRCRAFT

Senator SYMINGTON. What do they fly with?

Secretary SEAMANS. They are flying with A-1's and A-37's and they have one squadron of F-5's and they have a large number of helicopters. They have C-47's and they are flying the forward air control aircraft.

OPERATING COST REDUCTION

As a result of reducing our forces in Southeast Asia, we have returned a "peace dividend" to the Treasury. But our lower budget levels have also meant a reduction in the peacetime Air Force resource base.

Chairman ELLENDER. What do you mean by "peace dividend"?

Secretary SEAMANS. What I mean by reducing the resource base is that we have turned over some of our own aircraft and the missions they performed to the Vietnamese. By "peace dividend" I mean that

*THE TESTIMONY OF SECRETARY OF THE AIR FORCE
SEAMANS IS CLASSIFIED SECRET BY THE SENATE
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That they spread South Vietnamese forces thin. On the contrary, by striking against the enemy's supply system and reducing the border threat, these actions contract the territory that the South Vietnamese army must defend. The alternative of inviolate enemy sanctuaries along a front of 600 miles would stretch South Vietnamese forces much more severely.

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To deny them renewed use of these assets we helped the Cambodians defend themselves and we supported South Vietnam's operations. Substantially greater military and economic assistance was needed to support the Cambodian army, which was growing from some 40,000 to over 200,000 in a very short period of time. The quarter billion dollars that Congress appropriated as part of the foreign assistance supplemental recognized that Cambodia was facing outright aggression, that it was doing everything possible on its own, and that our assistance was appropriate for its self-defense and to aid Vietnamization and our withdrawals from South Vietnam.

This past year there were also encouraging signs of regional cooperation:

The South Vietnamese, at Cambodia's request, continued to sweep the sanctuary areas, conduct ground operations in support of Cambodian forces, and provides air and logistic support and training.

Question. What percentage of Thai volunteers who fought in Laos have returned to Thai military units? What percentage to non-military occupations? Are these men given any credit toward retirement or other benefits for the time served in Laos? What costs have been borne by the United States for the training, support, medical assistance, equipment, and veterans or other benefits for these men?

Answer. The exact percentage of Thai volunteers who are now in Thai military units is not available to us. The percentage is quite small, however, since the vast bulk of the Thai volunteers came from the general civilian population. No retirement or veterans benefits are included in the Thai Volunteer program since it is strictly a limited undertaking which does not encompass the fringe benefits which are normal to a regular military force. However, the small number of Thai personnel who do return to the Thai military undoubtedly are given credit towards retirement for that time served in Laos—no U.S. costs are involved. U.S. costs thus far for the support of the Thai volunteers is as follows:

FY 73—\$117.9 million (budgeted including ammunition).

FY 72—\$89.6 million (actual expense)

Question. Do you still plan budget authority of \$2.9 billion for FY 1974 and budget outlays of \$4.1 billion for FY 1974 in Southeast Asia? Please break out these costs in terms of budget categories. Will any of these funds, or of the remaining FY 1973 Southeast Asia funds, be used for reconstruction and relief purposes?

Answer. The FY 1974 budget was prepared prior to the cease-fire and did not assume cessation of hostilities in Southeast Asia. The cease-fire for South Vietnam was to be effective January 27, 1973. However, there continues to be numerous violations of the cease-fire. The cease-fire in Laos is to take effect 60 days after the formation of a coalition government on March 23, 1973. We are currently reassessing our military assistance program for South Vietnam and Laos in light of the cease-fire and will advise the Congress upon completion of these reviews.

FISCAL YEAR 1974 SOUTHEAST ASIA INCREMENTAL COSTS

(In millions of dollars)

Budget category	Budget authority	Outlays
Military personnel	536.7	544.7
Operation and maintenance	1,272.0	1,324.0
Procurement	1,071.2	2,108.0
R. & D.	1	6
Proposed legislation	32.0	31.7
Total	2,911.9	4,069.1

None of the FY 1973 or FY 1974 SEA funds will be used for reconstruction or relief purposes. Section 737 of the Department of Defense Appropriation Act, 1973, authorizes Department of Defense appropriations to be used "for their stated purposes" to support Vietnamese forces. The words "for their stated purposes" have the effect of limiting the use of the appropriations line items on behalf of the Vietnamese forces to such activities and projects that the Department of Defense could perform for the United States Armed Forces. Accordingly, Section 737 does not authorize DoD appropriations to be used for general rehabilitation of the economy of Vietnam.

Question. What new legislative authority, if any, would you need in order to use FY 1973 or FY 1974 defense appropriations for postwar assistance to North Vietnam?

Answer. This is no intention to request that FY 1973 or FY 1974 appropriations made available to the Department of Defense be available for postwar assistance to North Vietnam. New legislative authority would be required before Defense appropriations could be available for that purpose.

Question. Now that the war has ended, will you declassify and provide for the committee's records the figures for each calendar month since January, 1964 for (1) the number of aerial attack sorties conducted by U.S. aircraft against targets

in each of the following countries: the Republic of Vietnam, the Democratic Republic of Vietnam, Laos, Cambodia, and Thailand; (2) the tonnage of munitions expended in each such country in each such month; and (3) the number of American personnel killed and wounded in hostile and non-hostile incidents in each such country in each such month. Please distinguish between B-25 missions and fighter-bomber missions in listing sorties and tonnages?

Answer. The data is highly sensitive in the aggregate and I cannot, therefore, declassify it.

There have been no attack sorties flown by U.S. aircraft against targets in Thailand.

Question. What is the estimated strength of the insurgent forces now fighting in the Philippines? How has that changed in the past year? What assistance has the U.S. given, or is planned to be given, to cope with this insurgency? Have American personnel been involved in hostilities in any way?

Answer. The current estimated strength of the two major insurgent groups is [deleted] armed, full time Maoist guerrillas (new Peoples Army) and [deleted] armed full time Muslim Revolutionary forces. Both groups have expanded in the past year and increased in military sophistication. A year ago Maoist armed strength was estimated to be about [deleted] guerrillas and we estimate that the Muslims had about [deleted] armed men.

The US Security Assistance Program to the Philippines has as one of its major objectives the improvement of the Philippine Armed Forces capability to cope with insurgency problems. To this end we are providing military assistance suitable for this role. This includes aircraft, rifles, trucks, communication gear, helicopters, patrol boats and landing craft, and other weapons. The goal is to improve mobility, communications and fire power—all vital elements in the conduct of counter insurgency operations.

To help cope with the current situation US actions have been limited to moving up the delivery dates of some of the equipment most urgently needed by the Philippine Armed Forces—such as, M-16 rifles, and UH-1H helicopters to be used primarily for mobility. In addition we are in the process of providing the Philippines C-123K aircraft to help provide greater inter-island mobility.

There are no American personnel involved in the hostilities.

Question. What is the estimated strength of the insurgent forces now fighting in Thailand? How has that changed in the past year? What assistance has the U.S. given or is planned to be given, to cope with this insurgency? How many Americans are involved in training or advising forces which have clashed with the insurgents? Have American personnel been involved in combat operations or support in any way?

Answer. The estimated strength of the insurgent forces in Thailand is approximately [deleted] including about [deleted] in the Kra Peninsula in the South. It is estimated that there has been an increase of [deleted] insurgents in Thailand in the past year. US military assistance includes the advisory efforts of the Military Assistance Command in Thailand who administer the Military Assistance Program. The Military Assistance Program for Thailand in FY 73 has been reduced to \$35.9M as a result of the adjustments necessary to accommodate the reduced funding available under the CRA. Priority is given in the advisory effort and the Military Assistance Program to support of Thai counter-insurgency plans and programs. Approximately three hundred US advisers are participating in training and advising activities of Thai forces. US advisory efforts are principally at or above regimental level. Every effort is made to involve US personnel in "Training the Trainer" rather than directly conducting the training. No American personnel are involved in combat operations or support of combat operations.

Question. What percentage of GNP do the United States and each of its NATO, SEATO, and other allies spend on defense? How much per capita? Have any of these figures changed significantly in recent years?

Answer. A breakout of total defense expenditures as a percent of GNP and total defense expenditures per capita for the US and its Allies follows.

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Senator SYMINGTON. Can you distinguish between the President's alleged authority to bomb for one side or the other in Cambodia, and his authority to undertake similar action in Korea, Malaysia, Indonesia, or the Middle East?

Secretary RICHARDSON. Yes.

And I think the essence of the answer is inherent in what I just said; namely, that in Cambodia he is carrying out operations which represent dealing with the residue of the war, whereas in those other cases he would be initiating some brand new action.

Senator SYMINGTON. Have we made any commitment of air support to the Cambodian Government?

Secretary RICHARDSON. We have made nothing that I think could be classified as a form of commitment. I understand that as of now, at least under current standing rules of engagement, we will respond to the extent we were able to do so to requests for support. And this is the basis on which we are operating from day to day.

Senator SYMINGTON. We asked a question of the State Department in 1971 in the Foreign Relations Committee:

Do you think the rest of the world considers that we have taken on the responsibility to save Cambodia and, if it falls to the Communists, that the world will view it as a defeat for the United States?

The answer:

Most of the free world regards Cambodia as a victim of North Vietnamese aggression, which is bearing the main burden of its own defense and which is putting up a firmer resistance than many thought possible. Should Cambodia eventually be overwhelmed—which I do not expect to happen—this outcome would no doubt be seen as a defeat, not so much of the United States, but for the prospects for world peace under law and for the right of every nation to self-determination. These principles, which form the basis of the Charter of the United Nations, have survived Hungary; they have survived Czechoslovakia, and no doubt they would survive other similar events. But our own fundamental objective in Cambodia is not the survival of that country's government, but the protection and advancement of Vietnamization and the process of U.S. withdrawal.

I don't know the reason was for adding Hungary, and Czechoslovakia, and what now we consider continuing in the bombing is all about.

Secretary RICHARDSON. The agreements that were entered into for the cease-fire in South Vietnam extended to Laos and Cambodia. They prohibited the use of Laotian and Cambodian territory by military forces of another country. And so to the extent that continued fighting in Cambodia is supplied and directed by Hanoi, it represents a failure to fulfill the agreements. Not only that, but it represents a continuing threat to the ability to sustain the accommodations worked for South Vietnam itself, because Cambodia remains a springboard for supply and invasion of South Vietnam.

STRIKE LEVEL

Senator SYMINGTON. I will have to leave now to catch that vote. But would you supply for the record the number of strikes per month against Cambodia, B-52s, and of other planes, since we first started attacking Cambodia—I believe in the spring of 1970, wasn't it?

Admiral MOORE. Yes, beginning with the cross-border operations. [The information follows:]

U.S. ATTACK SORTIES

	1970		1971		1972		1973	
	TACAIR ¹	B-52	TACAIR ¹	B-52	TACAIR ¹	B-52	TACAIR ¹	B-52
January.....			1,658	19	773	109	792	185
February.....			1,890	40	1,114	181	349	60
March.....			1,746	105	887	256	3,742	1,225
April.....			1,807	103	473	48		
May.....	5,116	350	1,483	112	264	27		
June.....	3,479	353	1,255	68	610	156		
July.....	766	191	1,093	42	533	147		
August.....	1,543	234	884	52	952	181		
September.....	1,226	104	874	131	548	297		
October.....	554	3	989	223	462	215		
November.....	524	24	1,258	183	387	163		
December.....	1,435	33	1,390	248	432	48		

¹ Includes fixed-wing gunship.

Senator SYMINGTON. And for the record the number of Cambodian strikes by planes, in the last 30 days?

Admiral MOORER. Yes, we would be glad to do that.
[The information follows:]

ATTACK SORTIES

	Air Force (TAC FTR)	Marine (TAC FTR)	B-52	Total
March:				
1.....	26			26
2.....	17			17
3.....	14			14
4.....	15			15
5.....	19			19
6.....	21		12	33
7.....	13		15	28
8.....	11		18	29
9.....	18		15	33
10.....	52		30	82
11.....	59		27	86
12.....	80		30	110
13.....	140		30	170
14.....	158		56	214
15.....	126		59	185
16.....	173		58	231
17.....	203		57	260
18.....	210		60	270
19.....	189		60	249
20.....	191		59	250
21.....	155		56	211
22.....	203		53	256
23.....	217		62	279
24.....	194		60	254
25.....	156		59	215
26.....	193		60	253
27.....	183		57	240
28.....	168		59	227
29.....	170	12	55	237
30.....	159	12	60	231
31.....	153	24	58	235

¹ Includes fixed-wing gunships.

Senator SYMINGTON. Thank you.
[Discussion off the record.]

FUTURE PERSONNEL PLANS

Senator BYRD [presiding]. To get back to where we left off, speaking broadly rather than precisely, the Defense Department has doubled its outlays. And yet there has been a very significant increase, and

both sides' armed forces. We hope that the South Vietnamese parties make progress on these issues and settle their differences.

Laos and Cambodia will be treated in more detail later in this Report. It is important to point out here that the Vietnam settlement obligates all foreign countries to withdraw their forces from these two countries, cease sending military personnel and equipment into the two countries, and stop using their territories to encroach on other countries. These obligations are clear and unconditional. Here, too, Hanoi has not yet carried out the terms of the Agreement. We expect North Vietnam to withdraw its forces from Laos and Cambodia in the near future, and to comply with the other provisions regarding those countries. As I have stated repeatedly, there cannot be stable peace in Vietnam until its neighbors are also at peace. The conflict has been indivisible. The peace must be too.

Countries outside the region have a strong interest in the maintenance of peace in Indochina. If the flames of conflict flare up again, there will be renewed suffering for the peoples of the area, the danger of another war, and a threat to the improvement of relations among the major world powers.

Accordingly, we look to outside powers to lend a moderating influence to the affairs of Indochina. This means, first of all, that there can be no reasonable justification for sending Hanoi large arms shipments now that there is a negotiated settlement. North Vietnam certainly is not threatened by its neighbors. A military buildup would raise questions not only about its intentions, but also about the motivations of the suppliers. Restraint in the North on this matter will be matched by restraint in the South.

Beyond that, we believe that friends of the Vietnamese belligerents can helpfully underline to them the advantages of maintaining the peace instead of rekindling the war. This will be our approach. For there cannot be a global structure of peace while conflict persists in Indochina.

This is a complex and difficult agenda. Unlike that of the last dozen years, our role will not be dominant. But it will remain substantial and important. And it will require both generosity and firmness, both patience and vigilance.

America has those qualities and will exercise them in the interest of peace in the region.

LAOS AND CAMBODIA

There cannot be lasting peace in Vietnam until its neighbors are at peace.

As of this writing, the situation in both Laos and Cambodia remains fluid. In Laos, the parties reached a ceasefire settlement in February

The CHAIRMAN. Of course the Chair won't presume to answer that question, but I just refer the gentleman from Virginia to the form chart, and that is according to the form chart. Those who cry the loudest speak the softest when the information is around.

Mr. MONTGOMERY.

Mr. MONTGOMERY. No questions.

The CHAIRMAN. Mrs. Holt.

Mrs. HOLT. No questions, Mr. Chairman.

The CHAIRMAN. Mr. Runnels.

Mr. Bob Daniel.

Mr. BOB DANIEL. No questions, Mr. Chairman.

The CHAIRMAN. Mr. Jones.

Mrs. Schroeder.

Mrs. SCHROEDER. I have a couple of questions, Mr. Chairman.

Again I thank you for having these hearings under such haste because I think they are so important. I interpret then what you are saying is before we would carry on any bombing sorties in Cambodia or Laos it is cleared through that Government, is that correct?

Mr. DOOLIN. Yes.

Mrs. SCHROEDER. And yet the legal ramifications for why we would be bombing there is because—not because they are a party to a treaty but we are party to a treaty we feel is being violated?

Mr. DOOLIN. We are party to the treaty as is Hanoi. And Hanoi is in violation of the treaty.

Mrs. SCHROEDER. When we get a request for a raid, is there some way we can determine whether or not that sortie—I mean are we turning down some requests on the basis that they would not be in our legal definition?

Mr. DOOLIN. No, not on the basis of the legal definition, but on that point we are turning down approximately 40 percent of the requests that we receive from the Cambodian Government and the Cambodian General Staff, either because we can't validate the targets or because we think that there would be a moderate or high likelihood of civilian casualties.

Mrs. SCHROEDER. I see, I guess what I am really saying is, I find it very perplexing to find out that we think the treaty is being violated and yet before we can do anything about the treaty we go through a third party, and I am trying to determine how we then make the decision.

You say we are doing it more on civilian casualties and whether or not the target has been validated?

Mr. BRIZGARD. Let me if I can help with that perspective. There are several reasons for receiving these requests through the Cambodian Government. First, of course, it is their territory. Second, they have air assets of their own and many of these they are able to take care of so there is no military necessity for our participation.

We, therefore, since they are participating, find it necessary to coordinate closely all of the activities. Their ground activity as well as air activities. So that we can be sure there is a military necessity for the actions we take.

So the coordination through the Cambodian Government is primarily for military purposes, not legal purposes.

Mrs. SCHROEDER. I see. But in a way, then, if they are taking care of some of these things themselves they are helping us with our treaty commitment?

THE TESTIMONY OF GENERAL GEORGE BROWN
IS CLASSIFIED SECRET BY THE SENATE
ARMED SERVICES COMMITTEE. A COPY IS
IN THE COMMITTEE FILES.

*THE LETTER FROM SECRETARY OF DEFENSE
JAMES SCHLESINGER TO SENATOR STUART
SYMINGTON IS IN THE COMMITTEE FILES.*

FIGHTER-BOMBERS ATTACK SORTIES:

	North Vietnam	South Vietnam	Laos	Cambodia	Total
1965:					
January.....	0	737	66		803
February.....	221	1,179	188		1,588
March.....	585	1,834	381		2,800
April.....	1,458	1,991	420		3,909
May.....	1,511	2,634	344		4,489
June.....	2,307	2,525	296		5,128
July.....	3,143	8,121	1,005		12,269
August.....	3,431	8,738	724		12,893
September.....	3,983	8,654	1,041		13,678
October.....	3,441	9,210	966		13,617
November.....	3,118	10,071	1,469		14,658
December.....	2,170	10,227	3,023		15,420
Total.....	25,408	65,921	9,923		101,252
1966:					
January.....	132	9,278	8,000		17,410
February.....	2,809	10,149	5,262		18,220
March.....	4,484	12,286	6,247		23,017
April.....	5,261	8,891	6,044		20,196
May.....	4,362	9,147	4,300		17,809
June.....	7,522	9,960	3,442		20,924
July.....	9,955	12,053	2,134		24,142
August.....	11,790	11,118	820		23,728
September.....	12,243	10,274	1,261		23,778
October.....	8,654	9,472	2,312		20,438
November.....	7,257	10,410	3,027		20,694
December.....	6,668	10,607	4,841		22,116
Total.....	81,137	123,645	47,690		252,472
1967:					
January.....	6,598	11,934	5,443		23,975
February.....	5,482	11,476	6,683		23,641
March.....	8,491	13,998	5,109		27,598
April.....	8,945	13,402	4,866		27,213
May.....	11,276	15,603	2,557		29,436
June.....	11,457	13,915	1,441		26,813
July.....	11,235	15,401	1,289		27,925
August.....	11,725	13,902	1,263		26,890
September.....	8,470	14,763	1,698		24,931
October.....	8,987	14,102	2,939		26,028
November.....	7,192	13,455	4,392		25,039
December.....	5,718	13,152	6,722		25,592
Total.....	105,576	165,103	44,402		315,081
1968:					
January.....	6,351	14,652	8,191		29,194
February.....	3,281	16,070	6,091		25,442
March.....	5,106	17,114	7,105		29,325
April.....	7,259	16,578	6,866		30,703
May.....	9,739	20,034	3,598		33,371
June.....	10,375	19,502	2,363		32,240
July.....	14,339	17,338	2,728		34,405
August.....	12,940	18,750	2,556		34,246
September.....	10,593	16,490	3,071		30,154
October.....	11,836	13,754	4,749		30,339
November.....	330	14,441	12,796		27,567
December.....	75	15,535	15,133		30,743
Total.....	92,224	200,258	75,247		267,729
1969:					
January.....	26	14,483	13,507		28,016
February.....	6	13,073	12,529		25,608
March.....	27	15,029	13,157		28,213
April.....	10	14,913	12,689		27,612
May.....	92	15,100	11,537	2	26,731
June.....	75	15,179	11,547	8	26,809
July.....	4	13,663	11,324		24,991
August.....	6	13,995	10,555		24,656
September.....	2	10,273	10,329		20,604
October.....	4	8,134	10,421		18,559
November.....	33	8,421	11,472	2	19,928
December.....	0	8,058	13,335	8	21,401
Total.....	285	150,321	142,502	20	293,128

FIGHTER-BOMBER ATTACK SORTIES—Continued

	North Vietnam	South Vietnam	Laos	Cambodia	Total
1970:					
January.....	10	8,209	13,759		21,978
February.....	20	6,677	12,515		19,212
March.....	128	7,823	12,332		20,283
April.....	54	8,886	10,294	2	19,236
May.....	489	8,148	8,701	5,032	22,370
June.....	22	7,158	4,724	3,401	15,305
July.....	6	7,486	5,874	754	14,120
August.....	11	6,827	4,864	1,398	13,100
September.....	8	5,586	3,501	1,056	10,151
October.....	0	2,738	4,828	393	7,959
November.....	253	2,482	7,058	327	10,120
December.....	2	2,192	9,030	1,199	12,423
Total.....	1,003	74,212	97,480	13,562	186,257
1971:					
January.....	9	2,100	9,991	1,482	13,582
February.....	77	1,649	9,651	1,635	13,012
March.....	265	1,745	12,705	1,559	16,274
April.....	18	2,487	9,182	1,624	13,311
May.....	16	1,387	8,937	1,290	11,630
June.....	1	1,529	6,293	1,646	9,469
July.....	4	1,334	3,633	881	5,852
August.....	14	1,602	3,216	743	5,575
September.....	208	1,113	3,818	825	5,964
October.....	4	865	3,451	953	5,273
November.....	33	218	5,748	1,228	7,227
December.....	1,056	94	5,689	1,288	8,127
Total.....	1,705	16,123	82,314	15,154	115,296
1972:					
January.....	61	172	7,256	778	8,267
February.....	183	1,510	6,457	1,108	9,258
March.....	132	400	8,663	885	10,080
April.....	1,891	10,523	2,136	440	14,990
May.....	6,042	12,267	734	193	19,236
June.....	6,417	9,538	368	466	16,789
July.....	6,651	8,770	160	383	15,964
August.....	6,991	8,205	259	829	16,284
September.....	6,343	5,469	568	496	12,876
October.....	5,077	6,318	862	400	12,657
November.....	3,364	7,702	1,800	319	13,185
December.....	3,034	5,790	1,997	405	11,226
Total.....	46,186	76,664	31,260	6,702	160,812
1973:					
January.....	1,663	6,695	4,721	777	13,856
February.....	0	0	6,199	327	6,526
March.....	0	0	0	3,477	3,477
Total.....	1,663	6,695	10,920	4,581	23,859

¹ Some degree of error may be expected in these tables, primarily as a result of imprecise location of borders and disputed claims. Deviation from earlier release figures may also be expected as a result of a continuing update process.

Source: 1965 to 1971—OPREA file. 1972 to March 1973—SEADAB and JCS MINEA files.

4 52 NORTH

	North Vietnam	South Vietnam	Laos	Cambodia	Total
1965:					
January.....	0	0	0		0
February.....	0	0	0		0
March.....	0	0	0		0
April.....	0	0	0		0
May.....	0	0	0		0
June.....	0	27	0		27
July.....	0	140	0		140
August.....	0	165	0		165
September.....	0	322	0		322
October.....	0	291	0		291
November.....	0	310	0		310
December.....	0	283	24		307
Total.....	0	1,538	24		1,562
1966:					
January.....	0	347	24		371
February.....	0	274	39		313
March.....	0	332	66		398
April.....	44	261	112		417
May.....	0	309	102		411
June.....	0	330	65		395
July.....	0	413	18		431
August.....	0	411	39		450
September.....	93	292	48		433
October.....	57	286	65		408
November.....	0	504	27		531
December.....	86	531	42		659
Total.....	280	4,290	647		5,217
1967:					
January.....	6	594	120		720
February.....	0	630	76		706
March.....	0	574	205		779
April.....	18	473	322		813
May.....	41	685	97		823
June.....	0	645	162		807
July.....	30	539	192		761
August.....	133	583	116		832
September.....	432	401	0		833
October.....	386	422	39		847
November.....	145	493	146		784
December.....	229	336	243		808
Total.....	1,420	6,375	1,718		9,513
1968:					
January.....	15	675	231		921
February.....	0	1,299	160		1,459
March.....	35	1,633	184		1,852
April.....	3	1,463	320		1,786
May.....	48	1,355	451		1,854
June.....	23	1,611	129		1,763
July.....	308	1,307	199		1,814
August.....	101	1,741	6		1,848
September.....	53	1,656	78		1,787
October.....	100	1,478	271		1,849
November.....	0	1,125	661		1,786
December.....	0	1,162	687		1,849
Total.....	686	16,505	3,377		20,568

R-52 SORTIE—Continued

	North Vietnam	South Vietnam	Laos	Cambodia	Total
1969:					
January.....	0	788	1,066	-----	1,854
February.....	0	1,041	618	-----	1,659
March.....	0	1,584	238	-----	1,822
April.....	0	1,042	738	-----	1,780
May.....	0	1,569	264	-----	1,833
June.....	0	1,450	261	-----	1,711
July.....	0	1,314	417	-----	1,731
August.....	0	1,299	145	-----	1,444
September.....	0	1,060	286	-----	1,346
October.....	0	1,109	352	-----	1,461
November.....	0	840	565	-----	1,405
December.....	0	835	617	-----	1,452
Total.....	0	13,931	5,567	-----	19,498
1970:					
January.....	0	765	680	-----	1,445
February.....	0	514	792	-----	1,306
March.....	0	541	902	-----	1,443
April.....	0	829	579	-----	1,408
May.....	0	721	371	350	1,442
June.....	0	481	561	353	1,395
July.....	0	584	669	191	1,444
August.....	0	400	597	234	1,231
September.....	0	308	574	104	986
October.....	0	81	930	3	1,014
November.....	0	7	942	24	973
December.....	0	62	921	33	1,016
Total.....	0	5,293	8,518	1,292	15,103
1971:					
January.....	0	51	950	19	1,020
February.....	0	43	846	40	929
March.....	0	30	1,108	105	1,243
April.....	0	274	818	108	1,200
May.....	0	195	933	112	1,240
June.....	0	324	598	68	990
July.....	0	319	662	42	1,023
August.....	0	380	585	52	1,017
September.....	0	343	519	131	993
October.....	0	186	602	223	1,011
November.....	0	148	648	188	984
December.....	0	123	607	248	978
Total.....	0	2,416	8,876	1,336	12,628
1972:					
January.....	0	240	668	109	1,017
February.....	0	481	562	181	1,224
March.....	0	689	617	256	1,562
April.....	82	1,608	53	48	1,806
May.....	1	2,223	39	27	2,290
June.....	271	2,191	88	195	2,745
July.....	327	2,576	8	147	3,058
August.....	563	2,307	20	181	3,071
September.....	411	2,154	123	297	2,985
October.....	586	1,914	210	215	2,925
November.....	846	1,766	149	163	2,924
December.....	1,353	1,281	92	48	2,774
Total.....	4,440	19,430	2,644	1,868	28,382
1973:					
January.....	533	1,652	386	198	2,769
February.....	0	0	1,449	60	1,509
March.....	0	0	0	1,225	1,225
Total.....	533	1,652	1,835	1,483	5,503

Source: January 1965 to December 1966—JCS STRATOPS file; January 1967 to May 1970—OSD table Y; June 1970 to December 1970—JCS OPERA file; January 1971 to March 1973—SAC COACT file.

FIGHTER-BOMBER MUNITIONS (TONS)

	North Vietnam	South Vietnam	Laos	Cambodia	Total
1966					
January	273	15,290	13,505		29,069
February	4,780	13,356	10,005		28,341
March	7,728	14,473	7,698		29,899
April	7,810	10,602	6,721		25,133
May	7,472	8,715	4,931		21,083
June	10,645	9,983	3,260		23,894
July	16,098	12,521	2,010		30,629
August	17,325	12,713	700		30,738
September	16,074	11,356	333		27,763
October	12,898	12,038	1,428		26,364
November	11,142	15,824	3,664		30,630
December	10,948	16,226	6,126		33,300
Total	123,194	153,102	60,552		336,848
1967					
January	11,372	19,148	9,392		39,912
February	10,430	18,227	11,514		40,171
March	15,861	20,747	9,334		45,942
April	17,256	21,579	9,440		48,275
May	20,601	25,462	4,894		50,957
June	24,179	24,738	2,324		51,241
July	20,925	28,141	1,835		50,902
August	22,189	23,025	2,512		47,726
September	17,080	26,577	3,170		46,827
October	18,430	29,987	6,585		55,002
November	14,777	29,554	9,868		54,199
December	12,655	26,090	12,042		50,817
Total	205,785	293,275	82,911		581,971
1968					
January	14,449	26,996	14,364		55,809
February	7,756	30,066	10,853		48,685
March	9,663	23,970	10,572		44,205
April	19,604	28,979	13,844		62,427
May	21,352	31,317	7,327		59,996
June	24,934	31,661	6,476		63,071
July	30,872	28,430	4,992		64,294
August	28,739	30,816	5,314		64,869
September	24,072	30,153	6,680		60,905
October	25,897	23,180	8,543		57,620
November	638	24,913	25,681		51,237
December	92	24,481	30,378		54,951
Total	208,068	334,967	145,034		688,059
1969					
January	21	29,877	30,637		60,535
February	26	24,934	30,612		55,572
March	72	32,512	34,066		66,650
April	76	29,979	31,282		61,337
May	213	28,525	27,255		55,997
June	190	31,221	29,947		61,358
July	2	33,119	31,164		64,285
August	32	31,899	28,853		60,784
September	1	21,164	26,271		47,436
October	2	15,429	24,798		40,229
November	24	16,857	23,007		40,888
December	0	13,356	32,619		46,015
Total	659	308,912	356,551		666,086

FIGHTER-BOMBER MUNITIONS (TONS)—Continued

	North Vietnam	South Vietnam	Laos	Cambodia	Total
1970:					
January.....	25	15,451	38,093	-----	53,569
February.....	59	13,878	32,390	-----	46,327
March.....	10	12,418	26,970	-----	39,398
April.....	13	14,336	22,567	-----	36,916
May.....	14	16,719	19,151	6,724	42,608
June.....	48	14,502	11,369	4,531	30,450
July.....	15	15,184	14,019	996	30,214
August.....	24	13,364	11,590	2,006	26,884
September.....	18	10,677	8,349	1,594	20,638
October.....	0	5,412	11,293	759	17,464
November.....	600	4,972	16,850	681	23,103
December.....	6	4,282	22,439	1,866	28,593
Total.....	832	141,195	235,080	19,157	396,264
1971:					
January.....	6	4,627	23,842	1,992	30,467
February.....	3	6,340	23,829	2,248	32,420
March.....	6	6,662	33,212	2,449	42,329
April.....	12	8,204	26,363	2,284	36,863
May.....	39	5,162	24,899	2,286	32,386
June.....	6	4,261	16,878	3,650	24,795
July.....	5	3,709	10,020	1,352	15,086
August.....	17	6,825	8,745	1,387	16,974
September.....	693	3,398	11,959	3,378	19,428
October.....	2	2,061	9,354	2,099	13,516
November.....	64	661	13,451	1,012	15,188
December.....	589	253	14,435	5,810	21,487
Total.....	1,842	52,163	216,987	29,947	300,939
1972:					
January.....	62	1,457	17,828	875	20,222
February.....	272	3,717	14,915	1,925	20,829
March.....	183	888	19,365	1,100	21,537
April.....	4,796	24,883	4,468	867	35,014
May.....	13,383	27,611	1,441	241	42,676
June.....	12,716	22,309	650	1,365	37,050
July.....	16,663	23,539	315	638	41,155
August.....	16,717	20,225	527	3,806	43,175
September.....	21,239	14,073	1,374	656	37,342
October.....	19,774	14,715	3,453	679	38,621
November.....	7,648	19,671	5,696	563	33,578
December.....	7,528	11,620	7,363	3,978	30,489
Total.....	120,981	184,708	77,406	16,793	399,888
1973:					
January.....	4,251	13,004	14,186	1,608	33,049
February.....	0	0	19,749	802	20,551
March.....	0	0	0	9,847	9,847
Total.....	4,251	13,004	33,935	12,257	63,447

Source: January 1966 to May 1970—ASD (C) table Y; June 1970 to December 1971—Computer using factors and sorties from JCS OPREA file; January 1971 to March 1973—7AF SEADAB and MINEA file.

B 52 MUNITIONS (TONS)

	North Vietnam	South Vietnam	Laos	Cambodia	Total
1965:					
June	0	550	0		550
July	0	2,843	0		2,843
August	0	3,419	0		3,419
September	0	6,720	0		6,720
October	0	6,071	0		6,071
November	0	6,740	0		6,740
December	0	5,467	469		5,936
Total	0	31,540	469		32,009
1966:					
January	0	6,030	412		6,442
February	0	4,756	673		5,429
March	0	6,160	1,226		7,386
April	1,011	5,961	2,466		9,538
May	0	6,703	2,225		8,934
June	0	6,420	1,259		7,669
July	0	8,136	348		8,484
August	0	7,616	735		8,351
September	1,740	5,455	898		8,093
October	1,131	5,711	1,293		8,135
November	0	10,042	540		10,582
December	1,828	11,234	893		13,955
Total	5,710	84,230	13,058		103,008
1967:					
January	120	12,413	2,248		14,781
February	0	15,890	1,615		17,505
March	0	16,140	5,163		21,339
April	493	12,674	7,929		21,096
May	950	18,056	2,073		21,079
June	0	17,969	4,226		22,195
July	721	14,997	5,368		21,086
August	3,526	16,927	3,056		23,509
September	13,553	11,226	0		24,779
October	10,101	11,684	913		22,698
November	4,556	14,835	4,453		23,845
December	7,605	11,158	8,070		26,833
Total	41,625	173,970	45,114		260,709
1968:					
January	481	20,181	6,638		27,300
February	0	37,838	4,991		42,829
March	1,036	47,035	5,399		53,470
April	101	41,815	9,220		51,136
May	1,285	39,716	12,702		53,703
June	495	48,069	3,139		51,703
July	8,842	37,764	6,690		53,296
August	2,624	50,444	144		53,212
September	1,446	46,199	2,526		50,171
October	2,661	40,257	7,362		50,280
November	0	23,772	17,507		47,279
December	0	33,218	18,265		51,483
Total	18,971	472,308	94,583		585,862
1969:					
January	0	22,476	31,583		54,059
February	0	23,301	17,160		40,461
March	0	42,441	8,706		51,147
April	0	26,000	19,025		45,025
May	0	44,170	7,454		51,624
June	0	33,332	7,043		40,375
July	0	37,858	11,455		49,313
August	0	27,467	3,978		31,445
September	0	30,739	8,247		38,986
October	0	22,809	10,294		33,103
November	0	24,594	16,454		41,048
December	0	25,663	18,092		43,755
Total	0	332,310	159,491		551,801

B-52 MUNITIONS (TONS)—Continued

	North Vietnam	South Vietnam	Laos	Cambodia	Total
1970:					
January.....	0	22,503	19,640	-----	42,143
February.....	0	15,749	23,371	-----	39,120
March.....	0	16,092	26,788	-----	42,880
April.....	0	21,428	15,256	-----	36,724
May.....	0	17,312	8,770	8,242	34,324
June.....	0	13,228	14,923	8,260	26,411
July.....	0	16,060	17,755	4,469	38,324
August.....	0	11,000	15,880	5,475	32,356
September.....	0	8,470	15,268	2,434	26,172
October.....	0	2,228	24,738	70	27,036
November.....	0	193	25,057	562	25,812
December.....	0	1,705	24,499	772	26,976
Total.....	0	145,968	232,025	30,285	408,278
1971:					
January.....	0	1,226	22,684	457	24,367
February.....	0	1,032	20,275	962	22,269
March.....	0	908	32,472	2,997	36,377
April.....	0	9,408	27,875	3,593	40,876
May.....	0	5,571	26,472	3,039	35,082
June.....	0	7,755	14,339	1,615	23,709
July.....	0	7,604	15,723	1,011	24,338
August.....	0	9,650	13,897	1,232	24,779
September.....	0	8,212	12,449	3,109	23,770
October.....	0	4,459	14,223	5,298	23,980
November.....	0	3,542	15,187	4,450	23,179
December.....	0	2,848	14,420	5,936	23,204
Total.....	0	61,625	230,616	33,699	325,340
1972:					
January.....	0	5,768	13,670	2,485	21,923
February.....	0	11,584	13,603	4,345	29,532
March.....	0	16,589	14,994	6,114	37,707
April.....	2,252	38,472	2,429	1,179	44,332
May.....	0	49,859	867	505	51,232
June.....	6,474	38,836	2,659	3,706	51,675
July.....	7,194	44,153	172	2,708	54,227
August.....	12,960	35,761	445	3,686	52,752
September.....	9,651	33,989	2,777	5,079	51,506
October.....	11,789	32,866	5,041	4,053	53,749
November.....	18,718	26,474	3,324	2,803	51,319
December.....	28,924	18,983	2,011	749	50,667
Total.....	97,902	353,354	61,392	37,413	550,061
1973:					
January.....	11,096	27,910	10,364	3,558	52,928
February.....	0	0	32,426	1,300	33,726
March.....	0	0	0	24,309	24,309
Total.....	11,096	27,910	42,790	29,167	110,963

Source: June 1965–December 1965 JCS STRATOPS file; January 1966–May 1970 ASC(C) table Y; June 1970–March 1973 SAC COACT.

British and the French—are now closer to ours than was the case before. We have a better understanding of their position; they have a better understanding of ours.

And also, we have had encouraging talks with the Soviet Ambassador. The Secretary of State and I have both talked with the Soviet Ambassador with regard to the Mideast. We will continue these bilateral consultations and if they continue at their present rate of progress, it seems likely that there will be four-power discussions in the United Nations on the Mideast.

Now, I should indicate also the limitations of such discussions and what can come out of them. The four powers—the Soviet Union, the United States, Great Britain, and France—cannot dictate a settlement in the Middle East. The time has passed in which great nations can dictate to small nations their future where their vital interests are involved. This kind of settlement that we are talking about, and the contributions that can be made to it, is limited in this respect.

The four powers can indicate those areas where they believe the parties directly involved in the Mideast could have profitable discussions. At the present time they are having no discussions at all.

Second—and this is even the more important part of it—from the four-power conference can come an absolute essential to any kind of peaceful settlement in the Mideast, and that is a major-power guarantee of the settlement, because we cannot expect the Nation of Israel or the other nations in the area who think their major interests might be involved—we cannot expect them to agree to a settlement unless they think there is a better chance that it will be guaranteed in the future than has been the case in the past.

On this score, then, we think we have made considerable progress during the past week. We are cautiously hopeful that we can make more progress and move to the four-power talks very soon.

U.S. RESPONSE TO ATTACKS IN VIETNAM

Q. Mr. President, have you considered an appropriate response if the attacks continue in South Vietnam? Would an appropriate response include resumption of the bombing in the North?

THE PRESIDENT. Well, Mr. Wilson, that question is one that I have given thought to but it is one which I think should not be answered in this forum.

I believe that it is far more effective in international policy to use deeds rather than words threatening deeds, in order to accomplish objectives.

I will only say in answer to that question that the United States has a number of options that we could exercise to respond. We have several contingency plans that can be put into effect.

I am considering all of those plans. We shall use whatever plan we consider is appropriate to the action on the other side. I will not indicate in advance, and I am not going to indicate publicly, and I am not going to threat-

en—I don't think that would be helpful—that we are going to start bombing the North or anything else.

I will only indicate that we will not tolerate a continuation of this kind of attack without some response that will be appropriate.

CONVERSATIONS WITH PRESIDENT DE GAULLE

Q. Mr. President, mindful of your ground rule against revealing contents of your conversations with leaders, I ask you this question: Did the atmosphere of mutual trust generated in your long conversations with General de Gaulle give you any fresh indication, any fresh hope that France could be helpful in the future of NATO, and/or France could be helpful in settling the war in Vietnam, either directly or indirectly?

THE PRESIDENT. Well, on the first point, General de Gaulle said publicly, as you will note, what he has said in the past, that he supported the Alliance.

He has withdrawn France's forces from the military side of the Alliance but he supports the Alliance, and he in his conversations backed that up very vigorously.

With regard to whether or not there is a possibility that France could move back into NATO in its military complex, I would not hold out at this time any hope that that might happen.

I would hold out, however, some hope that as our conversations continue, we can find a number of areas for mutual cooperation and consultation on the military side as well as in other respects.

I think that beyond that, it would not be appropriate to indicate what General de Gaulle's position is. As far as Vietnam is concerned, we did discuss it and whether it was Vietnam, or whether it was the Mideast, or whether it was U.S. relations with other countries where the French might be helpful, I received from General de Gaulle very encouraging indications that they would like to be helpful where we thought they could be helpful.

I wouldn't go beyond that, but I was very encouraged with the General's attitude. It was one of helpfulness in every respect on all of the major issues.

THE NUCLEAR NONPROLIFERATION TREATY

Q. Mr. President, in your conversations with Chancellor Kiesinger, do you believe that you convinced him that his government's reservations against joining in the Nuclear Nonproliferation Treaty were not valid, and that joining in the treaty would be in West Germany's interests?

THE PRESIDENT. I think it would be appropriate to say that the German Government has considerable difficulties with regard to ratification of the treaty—difficulties which we need to understand even though we do not agree with their position.

Their attitude as far as we are concerned is well known. They know that I have sent the treaty to the Senate, that the Senate will probably give it a vote and consent and that we will ratify.

MONDAY, MARCH 17, 1969

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EFFECTIVENESS OF ABM DEPLOYMENT

Q. Mr. President, I understand that your first construction or deployment of antimissile systems would be around two Minuteman retaliatory operations. Do you think that deploying around these two provides enough deterrent that would be effective?

THE PRESIDENT. Let me explain the difference between deploying around two Minuteman bases and deploying around, say, 10 cities.

Where you are looking toward a city defense, it needs to be a perfect or near perfect system to be credible because, as I examined the possibility of even a thick defense of cities, I found that even the most optimistic projections, considering the highest development of the art, would mean that we would still lose 30 million to 40 million lives. That would be less—half of what we would otherwise lose. But we would still lose 30 million to 40 million.

When you are talking about protecting your deterrent, it need not be perfect. It is necessary only to protect enough of the deterrent that the retaliatory second strike will be of such magnitude that the enemy would think twice before launching a first strike.

It has been my conclusion that by protecting two Minuteman sites, we will preserve that deterrent as a credible deterrent, and that that will be decisive and could be decisive insofar as the enemy considering the possibility of a first strike.

VIETNAM

Q. Mr. President, there have been charges from Capitol Hill that you have stepped up the war in Vietnam. Have you?

THE PRESIDENT. I have not stepped up the war in Vietnam. I actually have examined not only the charges, but also examined the record. I discussed it at great length yesterday with Secretary Laird.

What has happened is this: For the past 6 months, the forces on the other side have been planning for an offensive, and for the past 6 months they not only have planned for an offensive, but they have been able, as a result of that planning, to have mounted a rather substantial offensive.

Under those circumstances, we had no other choice but to try to blunt the offensive. Had General Abrams not responded in this way, we would have suffered far more casualties than we have suffered, and we have suffered more than, of course, any of us would have liked to have seen.

The answer is that any escalation of the war in Vietnam has been the responsibility of the enemy. If the enemy escalates its attacks, ours will go down. We are not trying to step it up. We are trying to do everything that we can in the conduct of our war in Vietnam to see that we can go forward toward peace in Paris.

That is why my response has been measured, deliberate and, some think, too cautious. But it will continue to be

that way, because I am thinking of those peace talks every time I think of a military option in Vietnam.

THE ABM SYSTEM AND THE SURCHARGE

Q. Mr. President, your safeguard ABM system, I understand, would cost about \$1 billion less in the coming fiscal year than the plan which President Johnson sent up. Will this give you the opportunity to reduce the surcharge or will the continued high level of taxation be needed for the economy?

THE PRESIDENT. That question will be answered when we see the entire budget. Secretary Laird will testify on the defense budget on Wednesday.

Incidentally, my understanding at this time, and I have seen the preliminary figures, is that the defense budget that Secretary Laird will present will be approximately \$2½ billion less than that submitted by the previous administration.

Whether after considering the defense budget and all of the other budgets that have been submitted, we then can move in the direction of either reducing the surcharge or move in the direction of some of our very difficult problems with regard to our cities, the problem of hunger and others—these are the options that I will have to consider at a later time.

U.S. RESPONSE TO INCREASED CASUALTIES IN VIETNAM

Q. Mr. President, last week you said that in the matter of Vietnam you would not tolerate heavier casualties and a continuation of the violation of the understanding without making an appropriate response.

Is what we are doing now in Vietnam in a military way that response of which you were speaking?

THE PRESIDENT. This is a very close decision on our part, one that I not only discussed with Secretary Laird yesterday, but that we will discuss more fully in the Security Council tomorrow.

I took no comfort out of the stories that I saw in the papers this morning to the effect that our casualties for the immediate past week went from 400 down to 300. That is still much too high. What our response should be must be measured in terms of the effect on the negotiations in Paris. I will only respond as I did earlier to Mr. Smith's question. We have issued a warning. I will not warn again. If we conclude that the level of casualties is higher than we should tolerate, action will take place.

RUSSIAN REACTION TO THE ABM DECISION

Q. Mr. President, do you have reason to believe that the Russians will interpret your ABM decision today as not being an escalating move in the arms race?

THE PRESIDENT. As a matter of fact, Mr. Kaplan, I have reason to believe, based on the past record, that they would interpret it just the other way around.

First, when they deployed their own ABM system, and, as you know, they have 67 missile ABM sites deployed around Moscow, they rejected the idea that it escalated

MONDAY, MARCH 17, 1969

403

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THE OFFICIAL TRANSCRIPT OF THE WHITE
HOUSE PRESS CONFERENCE, MARCH 25,
1969, IS **ON** FILE AT THE WHITE HOUSE.

NORTH VIETNAM/VIET CONG - Invasion of Enemy Sanctuaries

NAME: Melvin R. Laird, Secretary of Defense
OCCASION: Interview by the Press following appearance
before the House Armed Services Committee
DATE: March 27, 1969

Question: Mr. Secretary, has there been a request to attack the Viet Cong or North Vietnamese bases in Cambodia?

Secretary Laird: As far as a request from the Joint Chiefs?

Question: Yes, sir.

Secretary Laird: I have not received such a request.

Question: Do you know of such a request?

Secretary Laird: I do not know of any request. The Joint Chiefs usually communicate with me rather rapidly, and I have not received such a request from the Joint Chiefs.

NAME: Melvin R. Laird, Secretary of Defense
OCCASION: Interview by the Press following Appearance before
the House Armed Services Committee
DATE: April 1, 1969

Question: General Davis of the Marines in Vietnam has called for an invasion of Laos and parts of North Vietnam to shorten the war. Do you agree with any part of his views?

Secretary Laird: Well, certainly, we'll give every consideration to the views of the military commanders in Vietnam and to our Joint Chiefs of Staff and others, but no decision has been reached on that request. I read about it, of course, today and we certainly will give consideration to the request of commanders, but I can assure you no decision has been made.

MONDAY, MAY 19, 1969

of all parties. These proposals are made on the basis of full-consultation with President Thieu.

- As soon as agreement can be reached, all non-South Vietnamese forces would begin withdrawals from South Vietnam.
- Over a period of 12 months, by agreed-upon stages, the major portions of all U.S., allied, and other non-South Vietnamese forces would be withdrawn. At the end of this 12-month period, the remaining U.S., allied, and other non-South Vietnamese forces would be withdrawn. At the end of this 12-month period, engage in combat operations.
- The remaining U.S. and allied forces would complete their withdrawals as the remaining North Vietnamese forces were withdrawn and returned to North Vietnam.
- An international supervisory body, acceptable to both sides, would be created for the purpose of verifying withdrawals, and for any other purposes agreed upon between the two sides.
- This international body would begin operating in accordance with an agreed timetable and would participate in arranging supervised cease-fires in Vietnam.
- As soon as possible after the international body was functioning, elections would be held under agreed procedures and under the supervision of the international body.
- Arrangements would be made for the release of prisoners of war on both sides at the earliest possible time.
- All parties would agree to observe the Geneva Accords of 1954 regarding South Vietnam and Cambodia, and the Laos Accords of 1962.

I believe this proposal for peace is realistic, and takes account of the legitimate interests of all concerned. It is consistent with President Thieu's six points. It can accommodate the various programs put forth by the other side. We and the Government of South Vietnam are prepared to discuss its details with the other side.

Secretary Rogers is now in Saigon and he will be discussing with President Thieu how, together, we may put forward these proposed measures most usefully in Paris. He will, as well, be consulting with our other Asian allies on these measures while on his Asian trip. However, I would stress that these proposals are not offered on a take-it-or-leave-it basis. We are quite willing to consider other approaches consistent with our principles.

We are willing to talk about anybody's program—Hanoi's four points, the NLF's 10 points—provided it can be made consistent with the very few basic principles I have set forth here tonight.

Despite our disagreement with several of its points, we welcome the fact that the NLF has put forward its first comprehensive program. We are studying that program carefully. However, we cannot ignore the fact that immediately after the offer, the scale of enemy attacks stepped up and American casualties in Vietnam increased.

Let me make one point clear. If the enemy wants peace with the United States, that is not the way to get it.

I have set forth a peace program tonight which is generous in its terms. I have indicated our willingness to consider other proposals. But no greater mistake could be made than to confuse flexibility with

weakness or of being reasonable with lack of resolution. I must also make clear, in all candor, that if the needless suffering continues, this will affect other decisions. Nobody has anything to gain by delay.

Reports from Hanoi indicate that the enemy has given up hope for a military victory in South Vietnam, but is counting on a collapse of American will in the United States. There could be no greater error in judgment.

Let me be quite blunt. Our fighting men are not going to be worn down; our mediators are not going to be talked down; and our allies are not going to be let down.

My fellow Americans, I have seen the ugly face of war in Vietnam. I have seen the wounded in field hospitals—American boys, South Vietnamese boys, North Vietnamese boys. They were different in many ways—the color of their skins, their religions, their races; some were enemies; some were friends.

But the differences were small, compared with how they were alike. They were brave men, and they were so young. Their lives—their dreams for the future—had been shattered by a war over which they had no control.

With all the moral authority of the office which I hold, I say that America could have no greater and prouder role than to help to end this war in a way which will bring nearer that day in which we can have a world order in which people can live together in peace and friendship.

I do not criticize those who disagree with me on the conduct of our peace negotiations. And I do not ask unlimited patience from a people whose hopes for peace have too often been raised and then cruelly dashed over the past 4 years.

I have tried to present the facts about Vietnam with complete honesty, and I shall continue to do so in my reports to the American people.

Tonight, all I ask is that you consider these facts, and, whatever our differences, that you support a program which can lead to a peace we can live with and a peace we can be proud of. Nothing could have a greater effect in convincing the enemy that he should negotiate in good faith than to see the American people united behind a generous and reasonable peace offer.

In my campaign for the Presidency, I pledged to end this war in a way that would increase our chances to win true and lasting peace in Vietnam, in the Pacific, and in the world. I am determined to keep that pledge. If I fail to do so, I expect the American people to hold me accountable for that failure.

But while I will never raise false expectations, my deepest hope, as I speak to you tonight, is that we shall be able to look back on this day, as that critical turning point when American initiative moved us off dead center, and forward to the time when this war would be brought to an end and when we could be able to devote the unlimited energies and dedication of the American people to the exciting challenges of peace.

Thank you, and good night.

NOTE: The President spoke at 10 p.m. in the Theater at the White House. His address was broadcast on radio and television.

position of at least corresponding scope, because then we would have the two things and there would be a basis for real solid meat and potatoes discussion about the real matters of substance."

I think that was Friday night I said that to Mr. Habib. Then Sunday morning we got word that the President was going to make this speech.

So, it was not just being clever. That was what we really thought before we knew the President was going to make the speech.

Q. Mr. Ambassador, how will you proceed when you go back to Paris?

AMBASSADOR LODGE. I intend tomorrow morning to present to the Paris meeting all those parts in the President's speech which are pertinent to the negotiations. Then I intend to make a speech of my own which will be a paraphrase of what the President said. I will ask them not to make a quick judgment but to think it over.

Q. Mr. Ambassador, the President's proposal on mutual withdrawal mentioned also the withdrawal of North Vietnamese forces from Laos. How many American advisers are there in Laos and would their withdrawal be part of this mutual withdrawal?

AMBASSADOR LODGE. I think the provision in the President's speech uses a new terminology. It talks about non-South Vietnamese troops. That, of course, obviously covers all Americans.

Q. In Laos, also?

AMBASSADOR LODGE. I think the withdrawal as it is stated in the President's speech covers all non-South Vietnamese troops.

Q. Would that apply to American forces in Thailand?

AMBASSADOR LODGE. I think the speech was about Vietnam.

Q. I realize that, sir, but I wonder, the North has expressed some concern about U.S. forces in Thailand.

AMBASSADOR LODGE. I would think that is a separate proposition.

Q. What is basically wrong with the NLF plan?

AMBASSADOR LODGE. We have not finished our analysis of it yet. It was 3½ months being prepared, so we were told, so we are taking a little time to analyze it and we will comment on it very carefully as time goes on.

Q. Mr. Ambassador, your predecessor has mentioned the fact that there was an opportunity for secret talks with the other side earlier than this was taken advantage of. Would you care to refute or respond to it?

AMBASSADOR LODGE. I didn't hear the question.

Q. Ambassador Harriman indicated that there was an opportunity set up when he departed for secret talks with the other side, and this opportunity was not availed of. Would you comment on that, please?

AMBASSADOR LODGE. We have a rule that we don't talk about secret talks and I am not going to say whether we have had them or whether we have not, but certainly there is an opportunity to have them.

Q. Mr. Ambassador, could we understand that this address is a counter-proposal to the NLF ten-point plan?

AMBASSADOR LODGE. No, I don't think so. As I understand it, it has been in contemplation a long, long time. Obviously a full address presentation by the President of the United States, 30 minutes prime time on television, is a major event in terms of public education and a great many other purposes. But it just so happens that it came along at a time which I think ought to be helpful to our operations.

No, it should not be considered as a counter-proposal. It is not a counter-proposal, but I think it does come along at a time which could be extremely helpful, assuming the other side really wants to do some serious talking.

Q. We know that General Abrams was put under instructions in November to keep the maximum military pressure on the other side. Have his orders changed in that regard, the orders to General Abrams to keep the maximum military pressure on the other side?

AMBASSADOR LODGE. I don't know what his orders are.

Q. What are we doing to reduce the level of violence on the ground in South Vietnam?

AMBASSADOR LODGE. If you have troop withdrawal, it certainly ought to lead to a reduction of the level of violence, I should think.

MR. ZIEGLER. We will take one final question. He has to catch a plane.

Q. Do I understand your previous answer to mean that our proposal of last night in the President's speech includes withdrawal of American advisers from Laos, if the agreement is accepted?

AMBASSADOR LODGE. No, I did not go into that in much detail. What I said was that withdrawal in the President's speech applies to non-South Vietnamese forces. That is a new phrase that I have never seen used before, and obviously that covers Americans.

Reporter: Thank you.

NOTE: The President spoke at 11:55 a.m. in the Rose Garden at the White House.

As printed above, this item follows the text of the White House press release.

Associate Justice of the Supreme Court

Exchange of Letters Between the President and Associate Justice Abe Fortas on Justice Fortas' Resignation. May 15, 1969

May 15, 1969

Dear Mr. Justice Fortas:

I have received your letter of resignation and I accept it, effective as of its date.

With sincere personal regards,

RICHARD NIXON

MONDAY, DECEMBER 15, 1969

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Q. This Congress has the worst record in terms of appropriations bills of any Congress in history.

Now let me say I am a defender of the Congress, and, having said all of this, I am also a defender of Carl Albert. I like him and I want to continue to work with him. I don't want to answer that question any further at this point.

All right.

PRESIDENTIAL NEWS CONFERENCES

Q. I have two related questions, sir. Why have you only had three full-dress news conferences in 6 months? And what is your reaction to the general philosophy among some of us in the press that the press is not doing its job, if it doesn't hold an administration, any administration, to account without, shall we say, coziness?

THE PRESIDENT. Well, I don't think I have had any problem with regard to the press holding me to account in my political lifetime. I think, if I could paraphrase Winston Churchill's statement made in 1914, I have always derived a great deal of benefit from criticism and I have never known when I was short of it.

Now as far as the press conferences are concerned, I try to have press conferences when I think there is a public interest—not just a press interest or my interest, but the public interest in having them—and also to use various devices. As you know, I have had conferences in my office. I had a conference in Guam. I have also made three major television addresses in prime-time.

If I considered that the press and the public needs more information than I am giving through press conferences, I will have more. I welcome the opportunity to have them. I am not afraid of them—just as the press is not afraid of me.

VIETNAM INVOLVEMENT

Q. Mr. President, will our Vietnam involvement be reduced in your administration to the point where it will command no more public attention than, say, Korea does now?

THE PRESIDENT. Well, that is certainly our goal and I think we are well on the way to achievement of that goal. We have a plan for the reduction of American forces in Vietnam, for removing all combat forces from Vietnam, regardless of what happens in the negotiations.

That plan is going forward. As I will report to the Nation, when I announce the troop withdrawal 2 or 3 weeks from now, I believe that developments since my November 3 speech have been on schedule.

THE UNITED STATES AND LAOS

Q. Mr. President, what limits do you put on what the people of the United States ought to know about the war that is going on in Laos, and the American involvement in it?

THE PRESIDENT. The public interest. As far as I am concerned, the people of the United States are entitled to

know everything that they possibly can with regard to any involvement of the United States abroad.

As you know, in answer to a question I think Mr. Potter asked at the last press conference, I pointed out what were the facts. There are no American combat troops in Laos. Our involvement in Laos is solely due to the request of Souvanna Phouma, the neutralist Prime Minister, who was set up there in Laos as a result of the Laos negotiation and accords that were arranged by Governor Harriman during the Kennedy administration.

We are attempting to uphold those accords and we are doing that despite the fact that North Vietnam has 50,000 troops in Laos. We are also, as I have publicly indicated and as you know, interdicting the Ho Chi Minh Trail as it runs through Laos. Beyond that, I don't think the public interest would be served by any further discussion.

All right.

BUDGET ESTIMATES AND THE SURTAX

Q. Mr. President, Budget Director Mayo said recently that uncontrolled Federal spending is likely to push the fiscal '71 budget beyond the \$200 billion mark and that the eventual elimination of the surtax could produce a deficit that year. I have two questions: Do you foresee the possibility of a deficit in '71, and, if that is the prospect, will you recommend continuing the surtax beyond June 30?

THE PRESIDENT. The answer to the second question is that I do not intend to recommend the continuation of the surtax beyond June 30.

With regard to the first part of the question, only by use of the Presidential veto and by impounding funds are we going to be able to avoid the kind of a situation that Director Mayo has described. But I can assure you that I intend to use all the powers of the Presidency to stop the rise in the cost of living, including the veto.

ENEMY INFILTRATION IN VIETNAM

Q. Mr. President, the enemy's infiltration has been up recently in Vietnam.

Could you give us your assessment of this, specifically whether you think he is replacing losses, or building up for an offensive, and what significance could this fact have in terms of your own plans for troop reduction?

THE PRESIDENT. It has great significance because, as I have pointed out, enemy infiltration, the fact that it was down, is one of the reasons that we have been able to go forward with our own troop withdrawal programs.

However, I have been analyzing these reports week by week. The figures that we got 2 weeks ago seem to have been inflated. The infiltration rate is not as great as we thought then. It is higher than it was a few months ago. It is still lower than it was a year ago.

We do not consider the infiltration significant enough to change our troop withdrawal plans. Now, something may

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that the United States should now expedite the sale of additional jets to Israel?

THE PRESIDENT. Well, Mr. Jarrick, the problem of the sale of arms to Libya has been one that does concern us. As you know, that involves our relations also with the French Government. One encouraging thing that has happened since we came into office is some improvement in our relations with the French.

One of the reasons that those relations have improved—and that improvement began when I visited President de Gaulle last February—is that we have had better consultation and discussion with regard to our differences, and those differences exist primarily in two areas, our policies toward the Mideast and our policies toward NATO.

President Pompidou will be here next month and I will be discussing a number of problems with him. I would not want to speculate now as to what I will be discussing with him, except to say that all of those differences, naturally, will be on the table.

As far as our own policy toward the Mideast is concerned—a question which was the latter part, incidentally, of Miss Thomas' question—as far as our own policy toward the Mideast is concerned, let me put one thing in context: I have noticed several recent stories indicating that the United States is one day pro-Arab and the next day is pro-Israel. We are neither pro-Arab nor pro-Israel. We are pro-peace. We are for security for all the nations in that area. As we look at this situation we will consider the Israeli arms request based on the threats to them from states in the area and we will honor those requests to the extent that we see—we determine that they need additional arms in order to meet that threat. That decision will be made within the next 30 days.

TROOP WITHDRAWALS IN VIETNAM

Q. Mr. President, in June, I believe it was, you told us that you hoped to be able to beat former Defense Secretary Clark Clifford's projected timetable for the withdrawal of all ground combat troops, and I want to get this exactly correct, by the end of this year. Your present rate of withdrawal does not seem to be beating that timetable.

Could you tell us if you still hope to be able to do that, and, if not, why?

THE PRESIDENT. Well, Mr. Pierpoint, that is our goal. Our goal, of course, is to end the war in Vietnam, preferably by negotiation, as quickly as possible. If not by negotiation, through Vietnamization, in which the South Vietnamese will assume the primary responsibility for their own defense.

We are moving on schedule on Vietnamization. More announcements will be made. I do not want to speculate now as to whether we will beat the requirement or at least the proposal that Clark Clifford put out.

I do say, however, that that is our goal, and we hope to achieve it.

"JAWBONING" IN THE FIGHT AGAINST INFLATION

Q. Mr. President, on Mr. Cornell's question of inflation and recession, a former Johnson administration official feels he has figures to prove that jawboning was effective in holding down prices and he also claims that the rate of inflation was greatest during 1969, your first year, than in any other single year in the decade.

I am wondering if the decisions you say you will be making in the next month or two might include considering jawboning?

THE PRESIDENT. The official statement to which you refer, of course, is correct. The rate of inflation in 1969 was greater than in any other year in the decade. But what happens in any particular year is not a result of the policy of that year. It is caused by what was done prior to that time, and for 5 years prior to 1969 this Nation, by going into debt to the tune of \$57 billion, planted the inflationary seeds which grew into almost an uncontrollable situation in 1969.

Starting in 1969, and again in 1970, and again in 1971, we have balanced budgets. That kind of policy we believe will turn it around. It is the best way to turn it around, and the only effective way.

Now, with regard to jawboning, we think that the policy of so-called jawboning failed and was no longer used in 1966 and 1967. It is effective, certainly, when the President of the United States calls in a big steel company or a big automobile company and says, "Lower prices. If you don't, we will do this or that with regard to Government contracts."

But that is effective with regard to that company. It is not effective with regard to the whole problem, and it is basically unfair. We are going to continue on our present course. We believe it is the right course.

VIETNAMIZATION POLICY

Q. Mr. President, Secretary Rogers and Vice President Agnew have both said, with somewhat different emphasis, that the course of U.S. withdrawal from Vietnam is irreversible. You have just issued a warning about the level of enemy activity.

Do you mean, sir, that if there is a rise in the level of enemy activity, that it could cause a halt in the withdrawal program?

THE PRESIDENT. Well, what Secretary Rogers and the Vice President very properly referred to was my speech on November 3 in which I said we had implemented a plan in which the United States would withdraw all of its combat forces as Vietnamese forces were trained and able to take over the fighting.

That policy of Vietnamization is irreversible.

Now, as far as the timing of the plan is concerned, how many and at what time they come out, that, of course, will depend on the criteria that I also set forth in that speech—the criteria of the level of enemy activity, the progress in the Paris peace talks, and, of course, the other

matters, the problems particularly with regard to the rate of training of the Vietnamese forces.

As far as what I answered in Miss Thomas' question was concerned, I am simply repeating again what I said on November 3 when I announced this policy of withdrawal of our forces.

If the enemy, when we are withdrawing, does then jeopardize our remaining forces by stepping up the fighting, we will react accordingly and we have the means to do so which I will not hesitate to use.

NOMINATION OF JUDGE G. HARROLD CARSWELL

Q. Mr. President, if you had known about the speech in which he advocated white supremacy, would you have nominated Judge Carswell to the Supreme Court?

THE PRESIDENT. Yes, I would. I am not concerned about what Judge Carswell said 22 years ago when he was a candidate for a State legislature. I am very much concerned about his record of 18 years—as you know, he had 6 years as a U.S. Attorney and 12 years as a Federal District Judge—a record which is impeccable and without a taint of any racism, a record, yes, of strict constructionism as far as the interpretation of the Constitution and the role of the Court, which I think the Court needs, the kind of balance that it needs.

Those are the reasons that I nominated Judge Carswell.

I should also point out that, looking at a man's record over the past, any individual may find instances where he has made statements in which his position has changed. I was reading for example, referring to the press corps here, a very interesting biography of Ralph McGill the other day. In 1940 he wrote a column in which he came out unalterably against integration of education of Southern schools.

He changed his mind later. As you know, he was a very great advocate of integration. That doesn't mean that you question his integrity in his late years because in his early years in the South he took the position that other Southerners were taking.

I believe that Judge Carswell will be approved by the Senate overwhelmingly. I think he will make a fine judge. I think he will certainly, in this whole field of civil rights, interpret the Constitution and follow the law of the land in a fair and equitable way.

BLACK PEOPLE AND THE ADMINISTRATION

Q. Mr. President, how do you feel you stand, now that you have been in office a year, in terms of having the confidence and trust of the black people in this country?

THE PRESIDENT. I have been concerned, Mr. Kaplow, about polls and statements by some black leaders and some white leaders who purport to speak for black people, to the effect that while the administration seems to be doing rather well among most of the American people, that we do not have the confidence that we should have among black people.

Let me, however, respond to what I intend to do about that in this way: I think the problem we confronted when we came in was a performance gap with regard to black people in America—big promises and little action and, as a result, immense frustration which flared into violence.

Now I know all the words. I know all the gimmicks and the phrases that would win the applause of black audiences and professional civil rights leaders. I am not going to use them. I am interested in deeds. I am interested in closing the performance gap. If we can get our welfare reform, if we can stop the rise of crime which terrorizes those who live in our central cities, if we can move on the programs that I mentioned with regard to rural America where 52 percent of the black people live, if we can provide the job opportunity and the opportunity for business enterprise for black people and other minority groups that this administration stands for, then when I finish office I would rather be measured by my deeds than all of the fancy speeches I may have made. I think then that black people may approve what we did. I don't think I am going to win them with the words.

JUDGE CARSWELL

Q. Could you tell us, going back to the Carswell matter, whether or not the two controversial issues raised in the hearings were brought to your attention before you submitted the nomination, during the screening process?

THE PRESIDENT. No, they were not. The two controversial issues—I assume you meant the speech Judge Carswell made when he was a candidate for office and the fact that he had belonged to a restricted golf club—yes. I did not know, of course, about the speech. As far as the restricted golf club is concerned, if everybody in Washington in government service who has belonged or does belong to a restricted golf club were to leave government service, this would have the highest rate of unemployment of any city in the country.

As far as Judge Carswell is concerned, I think he has testified very openly about his membership in the club and the members of the Senate committee overwhelmingly have considered those matters and have decided that he is not a racist and that he will be a fair and, it seems to me, a very competent judge of the Supreme Court.

EXPANSION OF THE ABM SYSTEM

Q. Mr. President, I wanted to know if you have decided whether you are going to recommend an expansion of the ABM system?

THE PRESIDENT. Well, it was approximately a year ago, not quite a year ago, in a press conference in this room, that I announced we were going to go forward with an ABM system with two purposes in mind:

First, a purpose of defending our Minutemen sites against any major nuclear power, and, second, an area defense to cover the possibility of attack by any minor nuclear power.

The citation follows:

"By virtue of the authority vested in me as President of the United States and as Commander-in-Chief of the Armed Forces of the United States, I have today awarded

THE PRESIDENTIAL UNIT CITATION (AIR FORCE)
FOR EXTRAORDINARY HEROISM
TO THE
20TH TACTICAL AIR SUPPORT SQUADRON
UNITED STATES AIR FORCE

The 20th Tactical Air Support Squadron distinguished itself by extraordinary heroism in connection with military operations against an opposing armed force in the Republic of Vietnam from 1 July 1966 to 15 August 1967. During this period, the undaunted valor and superb airmanship displayed by the members of the 20th Tactical Air Support Squadron contributed significantly to the success of all major ground actions in the I Corps Tactical Zone. Despite intense hostile fire and poor weather, the crew members accounted for the destruction of numerous hostile weapons, equipment, and personnel, and the saving of the lives of untold numbers of Allied ground forces. The unit continually displayed high morale, determination, and esprit under the most difficult and hazardous conditions. By their professional skill, dedication to duty, and extraordinary heroism, members of the 20th Tactical Air Support Squadron have upheld the highest standard of performance and traditions of the military service and reflect great credit upon themselves and the Armed Forces of the United States."

THE PRESIDENT'S NEWS CONFERENCE OF JANUARY 30, 1970

THE PRESIDENT. Will you be seated, please. Mr. Cornell.

ECONOMIC OUTLOOK

Q. Mr. President, for several days I have been collecting some headlines that sort of point up the question I would like to put to you. I would like to run over some of these headlines with you.

"Balance of trade makes slight progress in 1969." "Circus rings up record 1969 profits"—Ringling Brothers. "Big firms, 1969 profits down." "Dow average hits new low for 3 years." "GNP rise halted." "Ford joins GM and Chrysler in work cutbacks." "Wholesale prices show sharp rise." "U.S. Steel will raise sheet prices February 1."

The question is, how, sir, do you assess the possibility that we may be in for perhaps the worst possible sort of economic conditions—inflation and a recession?

THE PRESIDENT. Well, Mr. Cornell, the major purpose of our economic policy since we came into office a year ago has been to stop the inflation which had been going on for 5 years without doing it so quickly that it brought on a recession.

Now, as a result, we are now in a position, the critical position, in which the decisions made in the next month or two will determine whether we win this battle.

In my view, the budget that we will announce on Monday, that I understand has received some attention already—but that budget will be a major blow in stopping the inflation psychology. Now, whether we can anticipate now whether we are going to have a recession, as some of those figures that you gave would imply, I would simply say that I do not expect a recession to occur.

Our policies have been planned to avoid a recession. I do expect that the present rate of inflation, which was less in the second half of 1969 than in the first half, will continue to decline and that we will be able to control inflation without recession.

THE SITUATION IN VIETNAM

Q. Mr. President, how do you view the possibility and size of a new Tet offensive in Vietnam and a hot war in the Middle East in view of the rising violence there?

THE PRESIDENT. Well, with regard to Vietnam, we are watching that situation closely, particularly in view of new inflation figures. The inflation—I mean—we were talking about inflation. I meant infiltration.

The infiltration in Vietnam, and, of course, that means inflation as far as the number of forces of the enemy in South Vietnam is concerned, has gone up in January. However, the number of infiltrators is still not of a size to provide what we believe is the capability the enemy would need to mount and sustain a prolonged offensive beyond that which we are able to contain.

We are continuing to watch the situation, and we will be prepared to deal with it. I would remind everybody concerned, and particularly remind the enemy, however, of what I said on November 3, and repeated on December 15. If at a time that we are attempting to deescalate the fighting in Vietnam, we find that they take advantage of our troop withdrawals to jeopardize the remainder of our forces by escalating the fighting, then we have the means and I will be prepared to use those means strongly to deal with that situation, more strongly than we have dealt with it in the past.

SALE OF ARMS TO THE MIDDLE EAST

Q. Mr. President, on the Middle East, you recently said, "We will not hesitate to supply arms to friendly states as the need arises."

Has the sale of 100 jets to Libya by the French caused an imbalance in the Mideast arms situation, enough so

¹ For the text of the message to which the question refers, see note at the end of this item, page 97.

that the United States should now expedite the sale of additional jets to Israel?

THE PRESIDENT. Well, Mr. Jarriel, the problem of the sale of arms to Libya has been one that does concern us. As you know, that involves our relations also with the French Government. One encouraging thing that has happened since we came into office is some improvement in our relations with the French.

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THE PRESIDENT. Yes, I would. I am not concerned about what Judge Carswell said 22 years ago when he was a candidate for a State legislature. I am very much concerned about his record of 18 years—as you know, he had 6 years as a U.S. Attorney and 12 years as a Federal District Judge—a record which is impeccable and without a taint of any racism, a record, yes, of strict constructionism as far as the interpretation of the Constitution and the role of the Court, which I think the Court needs, the kind of balance that it needs.

Those are the reasons that I nominated Judge Carswell.

I should also point out that, looking at a man's record over the past, any individual may find instances where he has made statements in which his position has changed. I was reading for example, referring to the press corps here, a very interesting biography of Ralph McGill the other day. In 1940 he wrote a column in which he came out unalterably against integration of education of Southern schools.

He changed his mind later. As you know, he was a very great advocate of integration. That doesn't mean that you question his integrity in his late years because in his early years in the South he took the position that other Southerners were taking.

I believe that Judge Carswell will be approved by the Senate overwhelmingly. I think he will make a fine judge. I think he will certainly, in this whole field of civil rights, interpret the Constitution and follow the law of the land in a fair and equitable way.

BLACK PEOPLE AND THE ADMINISTRATION

Q. Mr. President, how do you feel you stand, now that you have been in office a year, in terms of having the confidence and trust of the black people in this country?

THE PRESIDENT. I have been concerned, Mr. Kaplow, about polls and statements by some black leaders and some white leaders who purport to speak for black people, to the effect that while the administration seems to be doing better well among most of the American people, that we do not have the confidence that we should have among black people.

Let me, however, respond to what I intend to do about that in this way: I think the problem we confronted when we came in was a performance gap with regard to black people in America—big promises and little action and, as a result, immense frustration which flared into violence.

Now I know all the words. I know all the gimmicks and the phrases that would win the applause of black audiences and professional civil rights leaders. I am not going to use them. I am interested in deeds. I am interested in closing the performance gap. If we can get our welfare reform, if we can stop the rise of crime which terrorizes those who live in our central cities, if we can move on the programs that I mentioned with regard to rural America where 52 percent of the black people live, if we can provide the job opportunity and the opportunity for business enterprise for black people and other minority groups that this administration stands for, then when I finish office I would rather be measured by my deeds than all of the fancy speeches I may have made. I think then that black people may approve what we did. I don't think I am going to win them with the words.

JUDGE CARSWELL

Q. Could you tell us, going back to the Carswell matter, whether or not the two controversial issues raised in the hearings were brought to your attention before you submitted the nomination, during the screening process?

THE PRESIDENT. No, they were not. The two controversial issues—I assume you meant the speech Judge Carswell made when he was a candidate for office and the fact that he had belonged to a restricted golf club—yes, I did not know, of course, about the speech. As far as the restricted golf club is concerned, if everybody in Washington in government service who has belonged or does belong to a restricted golf club were to leave government service, this would have the highest rate of unemployment of any city in the country.

As far as Judge Carswell is concerned, I think he has testified very openly about his membership in the club and the members of the Senate committee overwhelmingly have considered those matters and have decided that he is not a racist and that he will be a fair and, it seems to me, a very competent judge of the Supreme Court.

EXPANSION OF THE ABM SYSTEM

Q. Mr. President, I wanted to know if you have decided whether you are going to recommend an expansion of the ABM system?

THE PRESIDENT. Well, it was approximately a year ago, not quite a year ago, in a press conference in this room, that I announced we were going to go forward with an ABM system with two purposes in mind:

First, a purpose of defending our Minuteman sites against any major nuclear power, and, second, an area defense to cover the possibility of attack by any minor nuclear power.

I am not threatening. I am simply stating as a matter of fact that the President of the United States, among his many responsibilities, has a responsibility to see that the mail is delivered. And I shall meet that responsibility and meet it effectively beginning Monday in the event that the postal workers in any area decide that they are not going to meet their constitutional responsibilities to deliver mail.

DEVELOPMENTS IN CAMBODIA

Q. Mr. President, will you entertain a question on Southeast Asia?

THE PRESIDENT. Yes, I am not limiting this to the four subjects. I will take all of your questions.

Q. I am wondering how you feel about the recent developments in Cambodia, and how it relates to our activities in Vietnam.

THE PRESIDENT. These developments in Cambodia are quite difficult to appraise. As you know from having been out there yourself on different occasions, the Cambodian political situation, to put it conservatively, is quite unpredictable and quite fluid.

However, we have, as you note, established relations on a temporary basis with the government which has been selected by the Parliament and will continue to deal with that government as long as it appears to be the government of the nation. I think any speculation with regard to which way this government is going to turn, what will happen to Prince Sihanouk when he returns, would both be premature and not helpful.

I will simply say that we respect Cambodia's neutrality. We would hope that North Vietnam would take that same position in respecting its neutrality. And we hope that whatever government eventually prevails there, that it would recognize that the United States' interest is the protection of its neutrality.

THAI INTEREST IN LAOS

Q. Could I follow that up with another question about Southeast Asia?

The Thais have apparently introduced troops into Laos, either with or without the help of the United States. I, first, wondered whether you could tell us whether we actually helped them by flying them in in our aircraft; and, secondly, what you think about the Thais fighting in Laos? Does that complicate our problem out there?

THE PRESIDENT. Well, the Thai interest in Laos and the Thai participation in attempting to sustain the neutralist Government of Laos, I think, has been known for many years; and their interest is, if anything, perhaps even more acute than ours. They have a 1,000-mile border with Laos. There are 8 million ethnic Laotians, as you know, who live in northeast Thailand. If Laos were to come under the domination of a Communist North Vietnamese Government, it would be an enormous threat to Thailand.

Thailand also is a signatory of the Geneva Accords of 1962, and under those circumstances would be ex-

pected to respond to requests by the Government of Laos, set up under those accords and agreed to by all of the parties including the North Vietnamese and the Communist Chinese, and would be expected to provide some assistance.

Beyond that, I would say that any questions in this area should be directed to the Government in Thailand or in Laos. It is a matter between these two Governments.

ASSEMBLYMAN TRAN NGOC CHAU OF SOUTH VIETNAM

Q. There have been numerous reports in the newspapers that the South Vietnamese Assemblyman, Tran Ngoc Chau, who has recently been sentenced to 20 years in prison, on many occasions cooperated with the U.S. Government in Saigon and gave them information; and specifically that in August of 1967 he informed Ambassador Bunker and others of the upcoming Tet attack. Can you tell us if there is anything to those reports?

THE PRESIDENT. I wouldn't comment on those reports. I will only say that this was a matter which Ambassador Bunker has discussed with President Thieu, that those discussions, of course, were on a private basis, and I think any speculation about what the discussions were would not be appropriate.

FRANCE'S SALE OF PLANES TO LIBYA

Q. Mr. President, you expressed the hope that all major powers would stop the escalation of the arms race in the Middle East. Do you have any indication that France would be cooperative in their sale of planes to that area?

THE PRESIDENT. First, as has been indicated, there is a long lead time on the delivery of French planes to Libya. Secondly, while, of course, I would not presume to speak for the Government of France—that question should be directed to them—the Government of France is not taking a position that its delivery of planes to Libya is for the purpose of transshipment basically to the U.A.R. France is a participant in the Four-Power talks.

I discussed this matter in considerable detail with President Pompidou when he was here. I will not reveal what those discussions were, as I do not reveal the discussions, as he does not either, between Chiefs of State. But I do believe that France recognizes, as we recognize, that any shipment of arms to the Middle East which imperils the balance of power increases the danger of war. I think that France, in its shipments over the next few years, will be guided by that principle, as we are guided by that principle in making our determinations of what arms we should ship.

POSSIBILITY OF A TRIP TO EUROPE

Q. You made a very successful trip to Paris when De Gaulle was there, and I see by the Gallup Poll that the visit here of Mr. Pompidou was a success. Would you consider going back to Europe at any moment?

THE PRESIDENT. I would certainly consider it. Certainly I would enjoy the opportunity to return to Europe.

DEPARTMENT OF STATE

DPC 57

TRANSCRIPT OF PRESS, RADIO AND TELEVISION NEWS BRIEFING,
THURSDAY, MARCH 26, 1970, 12:35 P.M.

(ON THE RECORD UNLESS OTHERWISE INDICATED)

MR. McCLOSKEY: There are no announcements.

Q What do you hear about Colonel Crowley?

A Nothing definite, Jim. Efforts are still being extended to hopefully work out the release. But we have nothing definite.

Q Are you satisfied that he is still alive?

A There seems no reason to doubt that.

Q What do you hear about Captain Swann?

-- to dispose of the missing people?

A The Embassy has not yet had contact with him. The request to do so was reinstated yesterday, and with a request also that the Chargé d'Affaires be permitted to see the Prime Minister or the Deputy Prime Minister.

Q Do you have reason to believe that the Cambodian Government has seen Captain Swann recently?

A Well, I would be reasonably certain that probably Cambodian officials have seen him, yes. He is, after all, at a naval base.

Q Bob, do we have any indication yet that the Soviet Union is willing to discuss limitation of arms in the Middle East?

A FOR BACKGROUND, I have seen none.

Q Would their position seem to be the same as it long has been -- a refusal to discuss this subject except in the context of the general political settlement?

A I'm not sure that that remark reflects their traditional position. It was my understanding more to the effect that that was not a subject for discussion until the peace settlement had been reached in the Middle East. And I have no reason to believe that they have changed that position.

Q Bob, on Cambodia again: The U.S. planes as well as South Vietnamese planes, were reported to have been in action over Cambodia. Has there been any change in the orders or directives in this regard since the new government came in power there?

A No.

Q Bob, on the Chau case, has the Department ever taken a position on that?

A We have not commented on it publicly, and

DEPARTMENT OF STATE

DPC 72

TRANSCRIPT OF PRESS, RADIO AND TELEVISION NEWS BRIEFING
THURSDAY, APRIL 16, 1970, 12:39 P.M.

(ON THE RECORD UNLESS OTHERWISE INDICATED)

MR. McCLOSKEY: You should have copies of transcript of an interview of Secretary Rogers with German Radio and Television, for publication 3:00 p.m., E.S.T. It is to be aired in Germany at approximately 9:00 p.m., local time there.

The interview was recorded in Washington yesterday.

We will also have for you after lunch the text of remarks by Ambassador Habib at the meeting with the North Vietnamese in Paris this morning.

In view of recent developments, Assistant Secretary Sisco has decided to defer his scheduled brief stop in Amman, Jordan.

Q "Defer," did you say?

A Yes.

That's everything on announcements.

Q What does "defer" mean?

you on it.

Q Bob, in view of the serious nature of the events in Cambodia now, do you expect a decision to be made fairly quickly on this?

A I have no way of knowing.

Q Does the Department have any position on reports of the massacre of Vietnamese in Cambodia?

A Well, we have no information of our own -- that is, by our own observance -- to confirm what appears to be indiscriminate killing of civilians. I would say any mass killing of innocent people is abhorrent and warrants condemnation.

Q Bob, several times you have told us here that the United States has communicated its views on South Vietnamese troops crossing the border of Cambodia, yet those crossings continue. Can you explain to us what the policy is of the United States Government on South Vietnamese troops crossing the border? Are we in agreement with this?

A I will state our policy. There has been no change in our general policy, which is: We recognize and respect the sovereignty, independence, neutrality, and territorial integrity of Cambodia within its present borders. Within this policy, American commanders have

~~authority~~ to take those actions essential in the inherent right of self-defense.

Q Bob --

A The Government of Viet-Nam has stated it ~~also~~ observes this basic policy.

Now, despite this policy, there have been on occasion incidents at the border. And the reason, in our judgment, for these incidents is the fact that there is extensive use by Viet Cong and North Vietnamese forces of the territory in Cambodia adjacent to the Viet-Nam ~~border~~..

Q Are you finished with that point, Bob?

A Yes.

Q In terms of protective reaction or the inherent right of self-defense, does this authorize American commanders to use artillery or aerial bombing in retaliation for attacks from across the Cambodian border? And I draw the distinction between responding immediately to fire and allowing a lapse of time and retaliating against an installation inside of Cambodia.

A Inasmuch as questions like that go to the

matter of rules of engagement, I will not answer that specifically.

Q Bob, another type of border crossing that has shown up in stories recently indicates that they have been some in cooperation with the Cambodians. For instance, I believe in either yesterday's or today's paper there is a piece about a 2,000-man South Vietnamese force crossing, in which there were Cambodian soldiers also participating. Does this type of thing come under the heading of the respect for the Cambodian neutrality policy you just read?

A It quite possibly and likely falls under the heading of Rules of Engagement, which I won't discuss. I have stated basic policy, and that's as far as I intend to go at this point.

Q Does the policy as stated by you preclude American or South Vietnamese commanders from responding to requests by Cambodian commanders to assist in military operations?

A I have no further comment.

Q There also have been reports, Bob, that South Vietnamese forces have supplied to Cambodian forces some U.S

Sihanouk by the Cambodian Parliament. This was an internal Cambodian development, motivated partly by resentment of the presence of North Vietnamese troops in Cambodia.

The Prime Minister, Lon Nol, promptly called for North Vietnamese military withdrawal and initiated measures to strengthen the Cambodian armed forces. At the same time he emphasized that the Cambodian Government remained committed to a policy of neutrality and did not seek alliance with the West.

A year ago, before we reestablished diplomatic relations with Cambodia with a small mission, we affirmed publicly our recognition and respect for the "sovereignty, independence, neutrality, and territorial integrity" of Cambodia within its present frontiers. The policy we expressed toward Cambodia then remains our policy toward Cambodia now.

Cambodia has wisely sought to negotiate a solution directly with the invaders. We hope that North Viet-Nam and the Viet Cong will respond so that further resort to force can be averted in favor of a peaceful settlement acceptable to all sides. We respect recent Cambodian proposals to seek diplomatic measures of protection through United Nations action and through a return of the International Control Commission established by the 1954 Geneva accords.

International Initiatives

Having said these things, I should point out that we recognize that the problems of Laos, Cambodia, and Viet-Nam are interrelated. We welcome initiatives by countries in or outside the area which might lead to progress toward restoration of peace in Southeast Asia. France, Indonesia, and New Zealand have all made suggestions which we are discussing with them and which may be helpful.

Some proposals suggest that possibly the Geneva conference machinery should be reconvened to consider all of Indochina. In fact, Ambassador Malik, the Soviet Representative to the United Nations, made a specific reference to this possibility on Thursday. President Nixon has made it clear that he is interested in exploring any suggestion that holds out any reason-

able prospect for peace. We would, of course, like to know what motivated Ambassador Malik's remarks and how deliberate they were. Consequently, I have instructed Ambassador Yost [Charles W. Yost, U.S. Representative to the United Nations] to seek whatever clarification and explanation the Soviet Union is prepared to offer.

But, wholly apart from consideration of a new Geneva conference, the nations which signed the Geneva accords assumed responsibilities. The violations of those accords by North Viet-Nam in Laos and Cambodia are explicit, uncontested, open, and without any shred of international sanction. Is it not time for nations which are signatories to international agreements actively to support them? Should not the international community itself more actively look for ways to shoulder its responsibilities?

The sharply increased fighting in Laos and the possibility of overt warfare in Cambodia have understandably caused concern among Americans. They ask if the war in Southeast Asia is widening rather than diminishing. They wonder if this means that the period of American involvement will be lengthened, rather than reduced.

The objective of the Nixon administration is to avoid both these results.

It is true, of course, that we cannot be indifferent to the military pressures by North Viet-Nam on the independence and neutrality of Laos and Cambodia. They affect the safety of our own forces in South Viet-Nam and the prospects for peace there. They also affect the future stability of Southeast Asia. We continue to believe that an ultimate settlement to the Viet-Nam war must take Laos and Cambodia into account.

However, we are determined not to reverse the long-term direction of our policy toward fostering more self-reliance among Asian states.

In time this troubled region may cease to be the tinderbox of the Far East. Political settlements at some point in time may replace military pressures. We may see in Southeast Asia, as we may now be seeing in Vienna, the beginnings of an era of negotiation. That is our hope and that is what the Nixon doctrine seeks to accomplish.

Let me now turn to the third criteria for troop withdrawals—the level of enemy activity. In several areas since December, that level has substantially increased.

In recent months Hanoi has sent thousands more of their soldiers to launch new offensives in neutral Laos in violation of the Geneva Accords of 1962 to which they were signatories.

South of Laos, almost 40,000 Communist troops are now conducting overt aggression against Cambodia, a small neutralist country that the Communists have used for years as a base for attack upon South Vietnam in violation of the Geneva Accords of 1954 to which they were also signatories.

This follows the consistent pattern of North Vietnamese aggression in Indochina. During the past 8 years they have sent tens of thousands of troops into all three countries of the peninsula and across every single common border.

Men and supplies continue to pour down the Ho Chi Minh trail; and in the past 2 weeks, the Communists have stepped up their attacks upon allied forces in South Vietnam.

However, despite this new enemy activity, there has been an overall decline in enemy force levels in South Vietnam since December.

As the enemy force levels have declined and as the South Vietnamese have assumed more of the burden of battle, American casualties have declined.

I am glad to be able to report tonight that in the first 3 months of 1970, the number of Americans killed in action dropped to the lowest first quarter level in 5 years.

In June, a year ago, when we began troop withdrawals, we did so on a "cut and try" basis—with no certainty that the program would be successful. In June we announced withdrawal of 25,000 American troops; in September another 35,000 and then in December 50,000 more. These withdrawals have now been completed and as of April 15, a total of 115,500 men have returned home from Vietnam.

We have now reached a point where we can confidently move from a period of "cut and try" to a longer-range program for the replacement of Americans by South Vietnamese troops.

I am, therefore, tonight announcing plans for the withdrawal of an additional 150,000 American troops to be completed during the spring of next year. This will bring a total reduction of 265,500 men in our Armed Forces in Vietnam below the level that existed when we took office 15 months ago.

The timing and pace of these new withdrawals within the overall schedule will be determined by our best judgment of the current military and diplomatic situation.

This far-reaching decision was made after consultation with our commanders in the field and it has the approval of the Government of South Vietnam.

Now, viewed against the enemy's escalation in Laos and Cambodia, and in view of the stepped-up attacks this month in South Vietnam, this decision clearly involves risks.

But I again remind the leaders of North Vietnam that while we are taking these risks for peace, they will be taking grave risks should they attempt to use the occasion to jeopardize the security of our remain-

ing forces in Vietnam by increased military action in Vietnam, in Cambodia, or in Laos.

I repeat what I said November 3d and December 15th. If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation.

My responsibility as Commander in Chief of our Armed Forces is for the safety of our men, and I shall meet that responsibility. The decision I have announced tonight to withdraw 150,000 more men over the next year is based entirely on the progress of our Vietnamization program.

There is a better, shorter path to peace—through negotiations. We shall withdraw more than 150,000 over the next year if we make progress on the negotiating front.

Had the other side responded positively at Paris to our offer of May 14 last year, most American and foreign troops would have left South Vietnam by now.

A political settlement is the heart of the matter. That is what the fighting in Indochina has been about over the past 30 years.

Now, we have noted with interest the recent statement by Soviet Deputy Foreign Minister Malik concerning a possible new Geneva Conference on Indochina.

We do not yet know the full implications of this statement. It is in the spirit of the letters I wrote on April 7, to signatories of the 1962 Geneva Accords urging consultations and observance of the Accords. We have consistently said we were willing to explore any reasonable path to peace. We are in the process of exploring this one.

But whatever the fate of this particular move we are ready for a settlement fair to everyone.

Let me briefly review for you the principles that govern our view of a just political settlement.

First, our overriding objective is a political solution that reflects the will of the South Vietnamese people and allows them to determine their future without outside interference.

I again reaffirm this Government's acceptance of eventual, total withdrawal of American troops. In turn, we must see the permanent withdrawal of all North Vietnamese troops and be given reasonable assurances that they will not return.

Second, a fair political solution should reflect the existing relationship of political forces within South Vietnam. We recognize the complexity of shaping machinery that would fairly apportion political power in South Vietnam. We are flexible; we have offered nothing on a take-it-or-leave-it basis.

And third, we will abide by the outcome of the political process agreed upon. President Thieu and I have repeatedly stated our willingness to accept the free decision of the South Vietnamese people. But we will not agree to the arrogant demand that the elected leaders of the Government of Vietnam be overthrown before real negotiations begin.

Let me briefly review the record of our efforts to end the war in Vietnam through negotiations.

We were told repeatedly in the past that our adversaries would negotiate seriously

—if only we stopped the bombing of North Vietnam;

Pierce, 47, is a partner in the law firm of Battle, Fowler, Stokes, and Kheel, a member of the New York State Banking Board, and a professor at New York University Law School.

Pierce is a native of Glen Cove, Long Island. At Cornell University, where he enrolled in 1940, he belonged to Phi Beta Kappa and played varsity football. From 1943 until 1946 he served in the United States Army, attaining the rank of first lieutenant. He then returned to Cornell, graduating with a B.A. degree in 1947 and receiving his LL.B. from the Law School in 1949. In 1952 he completed his master of laws in taxation at New York University School of Law.

Pierce served as assistant district attorney of New York County between 1949 and 1953, when he became Assistant U.S. Attorney for the Southern District of New York. He came to Washington in 1955 as an assistant to the Under Secretary of Labor. Before returning to private law practice in New York in 1957, he also served as Counsel to the Antitrust Subcommittee of the House Judiciary Committee. During 1959 and 1960 Pierce sat as a judge of the court of general sessions, which has since become part of the Supreme Court of New York. Pierce's present law partnership dates from 1961.

The numerous outside activities in which Pierce is engaged include chairing the American Bar Association's Committee on Equal Protection of the Laws and acting as a labor relations consultant for the Federal Reserve Board. He is a trustee of Mount Holyoke College and of Hampton Institute, and a life member of the NAACP.

Pierce is married to the former Barbara P. Wright. They have one daughter.

Air Quality Advisory Board

Announcement of Appointment of Five Members of the Board. April 30, 1970

The President today announced the appointment of five members of the Air Quality Advisory Board.

The persons appointed are:

- W. DONHAM CRAWFORD of Summit, N.J., to succeed Robert Martin. Crawford, 46, is vice president and managing director of the Edison Electric Institute, the trade association of investor-owned electric light and power companies. In 1967 and 1968 he served on the National Advisory Council on Air Pollution Control Techniques.
- WILLIAM D. EVERS of San Francisco, Calif., to succeed Michael Ference. Evers, 42, is a partner in the law firm of Miller, Groezinger, Pettit, Evers, and Martin. He is also vice president of the Planning and Conservation League, which he helped to found, and vice chairman of the San Francisco Bay Conservation and Development Commission.
- E. JOSEPH HILLINGS of Washington, D.C., to succeed Hulett C. Smith. Hillings, 33, is Washington representative of National Airlines; formerly he was the first director of public affairs for the airline.
- JACK B. OLSON of Wisconsin Dells, Wis., to succeed Carl B. Stokes. Olson, 49, is serving his third term as Lieutenant Governor of Wisconsin.
- G. DON SULLIVAN of Lorton, Va., to succeed John M. Seabrook. Sullivan is a consultant to the American Mining Congress, specializing in environmental quality control problems of the mining industry.

The Board assists the Secretary of Health, Education, and Welfare in carrying out his responsibilities under the Air Quality Act of 1967. It advises him on the setting of air quality criteria and standards, and recommends methods for control and abatement of air pollution. It consists of 15 members serving staggered 3-year terms; the Secretary serves as Chairman.

THE SITUATION IN SOUTHEAST ASIA

The President's Address to the Nation. April 30, 1970

Good evening my fellow Americans.

Ten days ago, in my report to the Nation on Vietnam, I announced a decision to withdraw an additional 150,000 Americans from Vietnam over the next year. I said then that I was making that decision despite our concern over increased enemy activity in Laos, in Cambodia, and in South Vietnam.

At that time, I warned that if I concluded that increased enemy activity in any of these areas endangered the lives of Americans remaining in Vietnam, I would not hesitate to take strong and effective measures to deal with that situation.

Despite that warning, North Vietnam has increased its military aggression in all these areas, and particularly in Cambodia.

After full consultation with the National Security Council, Ambassador Bunker, General Abrams, and my other advisers, I have concluded that the actions of the enemy in the last 10 days clearly endanger the lives of Americans who are in Vietnam now and would constitute an unacceptable risk to those who will be there after withdrawal of another 150,000.

To protect our men who are in Vietnam and to guarantee the continued success of our withdrawal and Vietnamization programs, I have concluded that the time has come for action.

Tonight, I shall describe the actions of the enemy, the actions I have ordered to deal with that situation, and the reasons for my decision.

Cambodia, a small country of 7 million people, has been a neutral nation since the Geneva Agreement of 1954—an agreement, incidentally, which was signed by the Government of North Vietnam.

American policy since then has been to scrupulously respect the neutrality of the Cambodian people. We have maintained a skeleton diplomatic mission of fewer than 15 in Cambodia's capital, and that only since last August. For the previous 4 years, from 1965 to 1969, we did not have any diplomatic mission whatever in Cambodia. And for the past 5 years, we have provided no military assistance whatever and no economic assistance to Cambodia.

North Vietnam, however, has not respected that neutrality.

For the past 5 years—as indicated on this map that you see here—North Vietnam has occupied military sanctuaries all along the Cambodian frontier with South Vietnam. Some of these extend up to 20 miles into Cambodia. The sanctuaries are in red and, as you note, they are on both sides of the border. They are used for hit and run attacks on American and South Vietnamese forces in South Vietnam.

These Communist occupied territories contain major base camps, training sites, logistics facilities, weapons and ammunition factories, air strips, and prisoner-of-war compounds.

For 5 years, neither the United States nor South Vietnam has moved against these enemy sanctuaries because we did not wish to violate the territory of a neutral nation. Even after the Vietnamese Communists began to expand these sanctuaries 4 weeks ago, we counseled patience to our South Vietnamese allies and imposed restraints on our own commanders.

In contrast to our policy, the enemy in the past 2 weeks has stepped up his guerrilla actions and he is concentrating his main forces in these sanctuaries that you see on this map where they are building up to launch massive attacks on our forces and those of South Vietnam.

North Vietnam in the last 2 weeks has stripped away all pretense of respecting the sovereignty or the neutrality of Cambodia. Thousands of their soldiers are invading the country from the sanctuaries; they are encircling the capital of Phnom Penh. Coming from these sanctuaries, as you see here, they have moved into Cambodia and are encircling the capital.

Cambodia, as a result of this, has sent out a call to the United States, to a number of other nations, for assistance. Because if this enemy effort succeeds, Cambodia would become a vast enemy staging area and a

springboard for attacks on South Vietnam along 600 miles of frontier a refuge where enemy troops could return from combat without fear of retaliation.

North Vietnamese men and supplies could then be poured into that country, jeopardizing not only the lives of our own men but the people of South Vietnam as well.

Now confronted with this situation, we have three options.

First, we can do nothing. Well, the ultimate result of that course of action is clear. Unless we indulge in wishful thinking, the lives of Americans remaining in Vietnam after our next withdrawal of 150,000 would be gravely threatened.

Let us go to the map again. Here is South Vietnam. Here is North Vietnam. North Vietnam already occupies this part of Laos. If North Vietnam also occupied this whole band in Cambodia, or the entire country, it would mean that South Vietnam was completely outflanked and the forces of Americans in this area, as well as the South Vietnamese, would be in an untenable military position.

Our second choice is to provide massive military assistance to Cambodia itself. Now unfortunately, while we deeply sympathize with the plight of 7 million Cambodians whose country is being invaded, massive amounts of military assistance could not be rapidly and effectively utilized by the small Cambodian Army against the immediate threat.

With other nations, we shall do our best to provide the small arms and other equipment which the Cambodian Army of 40,000 needs and can use for its defense. But the aid we will provide will be limited to the purpose of enabling Cambodia to defend its neutrality and not for the purpose of making it an active belligerent on one side or the other.

Our third choice is to go to the heart of the trouble. That means cleaning out major North Vietnamese and Vietcong occupied territories, these sanctuaries which serve as bases for attacks on both Cambodia and American and South Vietnamese forces in South Vietnam. Some of these, incidentally, are as close to Saigon as Baltimore is to Washington.

This one, for example [*indicating*], is called the Parrot's Beak. It is only 33 miles from Saigon.

Now faced with these three options, this is the decision I have made.

In cooperation with the armed forces of South Vietnam, attacks are being launched this week to clean out major enemy sanctuaries on the Cambodian-Vietnam border.

A major responsibility for the ground operations is being assumed by South Vietnamese forces. For example, the attacks in several areas, including the Parrot's Beak that I referred to a moment ago, are exclusively South Vietnamese ground operations under South Vietnamese command with the United States providing air and logistical support.

There is one area, however, immediately above Parrot's Beak, where I have concluded that a combined American and South Vietnamese operation is necessary.

Tonight, American and South Vietnamese units will attack the headquarters for the entire Communist military operation in South Vietnam. This key control center has been occupied by the North Vietnamese and Vietcong for 5 years in blatant violation of Cambodia's neutrality.

This is not an invasion of Cambodia. The areas in which these attacks will be launched are completely occupied and controlled by North Vietnamese forces. Our purpose is not to occupy the areas. Once enemy forces are driven out of these sanctuaries and once their military supplies are destroyed, we will withdraw.

These actions are in no way directed at the security interests of any nation. Any government that chooses to use these actions as a pretext for harming relations with the United States will be doing so on its own responsibility, and on its own initiative, and we will draw the appropriate conclusions.

Now let me give you the reasons for my decision.

A majority of the American people, a majority of you listening to me, are for the withdrawal of our forces from Vietnam. The action I have taken tonight is indispensable for the continuing success of that withdrawal program.

A majority of the American people want to end this war rather than to have it drag on interminably. The action I have taken tonight will serve that purpose.

A majority of the American people want to keep the casualties of our brave men in Vietnam at an absolute minimum. The action I take tonight is essential if we are to accomplish that goal.

We take this action not for the purpose of expanding the war into Cambodia but for the purpose of ending the war in Vietnam and winning the just peace we all desire. We have made and we will continue to make every possible effort to end this war through negotiation at the conference table rather than through more fighting on the battlefield.

Let us look again at the record. We have stopped the bombing of North Vietnam. We have cut air operations by over 20 percent. We have announced withdrawal of over 250,000 of our men. We have offered to withdraw all of our men if they will withdraw theirs. We have offered to negotiate all issues with only one condition—and that is that the future of South Vietnam be determined not by North Vietnam, not by the United States, but by the people of South Vietnam themselves.

The answer of the enemy has been intransigence at the conference table, belligerence in Hanoi, massive military aggression in Laos and Cambodia, and stepped-up attacks in South Vietnam, designed to increase American casualties.

This attitude has become intolerable. We will not react to this threat to American lives merely by plaintive diplomatic protests. If we did, the credibility of the United States would be destroyed in every area of the world where only the power of the United States deters aggression.

Tonight, I again warn the North Vietnamese that if they continue to escalate the fighting when the United States is withdrawing its forces, I shall meet my responsibility as Commander in Chief of our Armed Forces to take the action I consider necessary to defend the security of our American men.

The action that I have announced tonight puts the leaders of North Vietnam on notice that we will be patient in working for peace, we will be conciliatory at the conference table, but we will not be humiliated. We will not be defeated. We will not allow American men by the thousands to be killed by an enemy from privileged sanctuaries.

The time came long ago to end this war through peaceful negotiations. We stand ready for those negotiations. We have made major efforts, many of which must remain secret. I say tonight that all the offers and approaches made previously remain on the conference table whenever Hanoi is ready to negotiate seriously.

But if the enemy response to our most conciliatory offers for peaceful negotiation continues to be to increase its attacks and humiliate and defeat us, we shall react accordingly.

My fellow Americans, we live in an age of anarchy both abroad and at home. We see mindless attacks on all the great institutions which have been created by free civilizations in the last 500 years. Even here in the United States, great universities are being systematically destroyed. Small nations all over the world find themselves under attack from within and from without.

If, when the chips are down, the world's most powerful nation, the United States of America, acts like a pitiful, helpless giant, the forces of totalitarianism and anarchy will threaten free nations and free institutions throughout the world.

It is not our power but our will and character that is being tested tonight. The question all Americans must ask and answer tonight is this: Does the richest and strongest nation in the history of the world have the character to meet a direct challenge by a group which rejects every effort to win a just peace, ignores our warning, tramples on solemn agreements, violates the neutrality of an unarmed people, and uses our prisoners as hostages?

If we fail to meet this challenge, all other nations will be on notice that despite its overwhelming power the United States, when a real crisis comes, will be found wanting.

During my campaign for the Presidency, I pledged to bring Americans home from Vietnam. They are coming home.

I promised to end this war. I shall keep that promise.

I promised to win a just peace. I shall keep that promise.

We shall avoid a wider war. But we are also determined to put an end to this war.

In this room, Woodrow Wilson made the great decisions which led to victory in World War I. Franklin Roosevelt made the decisions which led to our victory in World War II. Dwight D. Eisenhower made decisions which ended the war in Korea and avoided war in the Middle East. John F. Kennedy, in his finest hour, made the great decision which removed Soviet nuclear missiles from Cuba and the Western Hemisphere.

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I have noted that there has been a great deal of discussion with regard to this decision that I have made and I should point out that I do not contend that it is in the same magnitude as these decisions that I have just mentioned. But between those decisions and this decision there is a difference that is very fundamental. In those decisions, the American people were not assailed by counsels of doubt and defeat from some of the most widely known opinion leaders of the Nation.

I have noted, for example, that a Republican Senator has said that this action I have taken means that my party has lost all chance of winning the November elections. And others are saying today that this move against enemy sanctuaries will make me a one-term President.

No one is more aware than I am of the political consequences of the action I have taken. It is tempting to take the easy political path: to blame this war on previous administrations and to bring all of our men home immediately, regardless of the consequences, even though that would mean defeat for the United States; to desert 18 million South Vietnamese people, who have put their trust in us and to expose them to the same slaughter and savagery which the leaders of North Vietnam inflicted on hundreds of thousands of North Vietnamese who chose freedom when the Communists took over North Vietnam in 1954; to get peace at any price now, even though I know that a peace of humiliation for the United States would lead to a bigger war or surrender later.

I have rejected all political considerations in making this decision.

Whether my party gains in November is nothing compared to the lives of 400,000 brave Americans fighting for our country and for the cause of peace and freedom in Vietnam. Whether I may be a one-term President is insignificant compared to whether by our failure to act in this crisis the United States proves itself to be unworthy to lead the forces of freedom in this critical period in world history. I would rather be a one-term President and do what I believe is right than to be a two-term President at the cost of seeing America become a second-rate power and to see this Nation accept the first defeat in its proud 190-year history.

I realize that in this war there are honest and deep differences in this country about whether we should have become involved, that there are differences as to how the war should have been conducted. But the decision I announce tonight transcends those differences.

For the lives of American men are involved. The opportunity for 150,000 Americans to come home in the next 12 months is involved. The future of 18 million people in South Vietnam and 7 million people in Cambodia is involved. The possibility of winning a just peace in Vietnam and in the Pacific is at stake.

It is customary to conclude a speech from the White House by asking support for the President of the United States. Tonight, I depart from that precedent. What I ask is far more important. I ask for your support for our brave men fighting tonight halfway around the world—not for territory—not for glory—but so that their younger brothers and their sons and your sons can have a chance to grow up in a world of peace and freedom and justice.

Thank you and good night.

NOTE: The President spoke at 9 p.m. in his office at the White House. His remarks were broadcast on radio and television.

Secretary Rogers Discusses Cambodia Action in Interview for Television

Following is the transcript of an interview with Secretary Rogers by Marvin Kalb, CBS News correspondent, filmed on May 3, portions of which were broadcast that evening on the Columbia Broadcasting System's special television program, "Where We Stand in Cambodia," and on the Morning News program on May 4.

Press release 138 dated May 4

Q. Mr. Secretary, how has the operation inside Cambodia gone so far?

A. Well, it's gone reasonably well. We haven't, of course, encountered the opposition that we thought we might. But I think it may take a couple of more days. There are some very good results. One good result, of course, is that our casualties have been quite low. I think we'll know better about it in a couple of days.

Q. Mr. Secretary, what was the reason for this operation?

A. Well, I think the President explained the reason very convincingly.¹ The reason was to protect the lives and safety of American men fighting in Viet-Nam.

Q. Supposing it turns out in this operation that the enemy simply withdraws into the interior of Cambodia? Will we pursue them?

A. Well, I think it's important, Mr. Kalb, to make it clear what this decision is. It's a limited decision made by the President. And it's limited in three ways. It's limited in the extent, purpose, and duration. Now, it's limited in extent by those parameters. It is limited to the border

area that has been occupied by North Vietnamese forces for many years and used as sanctuaries to attack American troops, so it's limited in extent. We're not going to exceed those limitations of the sanctuaries on the border.

Second, it's limited in purpose. The purpose, as the President said the other night, is not to kill the enemy; the purpose is to destroy the sanctuaries themselves—to find the military supplies, the military equipment that's there, and to destroy the base areas from which they've been operating. Now, there are five major sanctuaries, and so far the attacks are against two of these sanctuaries. So it's limited in purpose.

Third, it's limited in duration. The President has made it clear that it's not going to last more than 6 to 8 weeks at the most. We would hope that it's completed before then. At that point the American troops and the South Vietnamese troops will withdraw from Cambodia.

Q. Mr. Secretary, you've stressed the limited nature of this operation, and yet within the last couple of days there has been confirmation of fairly widespread or intensive American attacks with more than 100 planes against targets in North Viet-Nam. Number one, does this represent a change in our policy in the bombing of the North?

A. No, it does not. It's not a new policy at all. We had before on previous occasions made these attacks when it was necessary to protect the reconnaissance flights over North Viet-Nam. We call it suppressive fire, and it's part of the arrangement that we had with North Viet-Nam when we stopped the bombing. We made it clear that we would fly reconnaissance flights over that area and that if the enemy attacked us we would respond. Now, the responses have been

¹ For President Nixon's address to the Nation on Apr. 30, see BULLETIN of May 11, 1970, p. 617.

A. Well, I don't think he will be as time goes on. I notice that Senator Mansfield did not say that. Senator Mansfield said that he thought that I had been frank under the circumstances, and I think Senator Fulbright will come around to that conclusion.

Now, I did talk to the Senate Foreign Relations Committee on several occasions about the problem that we had. The problem that we had was that these sanctuaries were being used, and it didn't make any sense to have them protected—30 miles, 35 miles, from Saigon. And I pointed that out, and I said the President now is facing the difficult decision about whether he should continue a war that didn't make any sense or whether he should change the policy or not. And there was discussion about that. Several of the Senators said, well, we think as long as the South Vietnamese troops are used to knock out these sanctuaries, it'd be all right—we'd oppose the use of American troops.

I don't believe that Senator Fulbright was misled. I don't think he realized, of course, that the President was going to make this decision. At that time, the President hadn't made the decision, but there was plenty of notice as far as I was concerned that this was one of the matters under consideration.

Q. In an interview several months ago with Eric Seargeid, you said, "We are not about to get involved in any other war or any other situation like Viet-Nam unless we have the full support of the Congress and the American people." Do you believe that you can continue this kind of Cambodian operation without the support of the Congress and the American people?

A. No, I don't. That's why I say it's a matter of limited duration. It's only going to last 6 or 8 weeks. We obviously couldn't notify people ahead of time, because there was an element of surprise that we hoped to be able to maintain. But this is a limited action. If we were going to stay in Cambodia on any sort of a permanent condition, permanently, or even of longer duration, then obviously we'd have to have the support of the American people. But I think the American people are going to support the Pres-

ident. I think they do support him. As you noticed, the White House issued a poll that was taken right afterward, on Sunday, which showed that the American people supported the decision the President made three to one. I think the American people are going to support this decision. Now, I think there would be question about it if it was of longer duration. If this was going to last longer than 8 weeks, I think there would be serious doubt about it. But I think the American people will support the President on this decision. I think it's vital that they do support him because this is a very tough decision for a President to make.

Q. Are you concerned at this point, Mr. Secretary, about any Chinese Communist or Soviet increased involvement in Indochina?

A. Well, I think we always have to watch it very carefully to see that that doesn't develop. We don't anticipate it, no.

Q. Do you have any concern that the North Vietnamese may respond, at least in one way politically, by threatening to break off the peace talks?

A. I think that's a possibility, although—

Q. Has there been any talk about this?

A. No. I've seen some newspaper articles to that effect, but that's all. I would rather doubt it, but that's a possibility.

Q. Is there really a danger that the United States at this point, with all of its strength, would be regarded as a "pitiful, helpless giant," to use the President's words?

A. Well, I think that what the President had in mind was that because the things that we had done—the efforts that we had made to negotiate a peaceful settlement, our willingness to talk to the Chinese, and our willingness to talk to the Russians about arms limitation, our withdrawal of some of our forces from Thailand, and our discussions about maybe we should withdraw some of our forces from NATO—may have led the world to think that we didn't have the resolve to do the things that are necessary to protect the security of the United States. So he wanted to make it clear that he's going

¹ *FOREIGNER* of Jan. 19, 1970, p. 53.

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I believe, however, that the decisions that I have made, and particularly this last terribly difficult decision of going into the Cambodian sanctuaries which were completely occupied by the enemy—I believe that that decision will serve that purpose, because you can be sure that everything that I stand for is what they want.

I would add this: I think I understand what they want. I would hope they would understand somewhat what I want. When I came to the Presidency—I did not send these men to Vietnam—there were 525,000 men there. And since I have been here, I have been working 18 or 20 hours a day, mostly on Vietnam, trying to bring these men home.

We brought home 115,000. Our casualties were the lowest in the first quarter of this year in 5 years. We are going to bring home another 150,000. And, as a result of the greater accomplishments than we expected in even the first week of the Cambodian campaign, I believe that we will have accomplished our goal of reducing American casualties and, also, of hastening the day that we can have a just peace. But above everything else, to continue the withdrawal program that they are for and that I am for.

Yes, sir?

PROGRESS OF VIETNAMIZATION

Q. On April 20th, you said Vietnamization was going so well that you could pull 150,000 American troops out of Vietnam. Then you turned around only 10 days later and said that Vietnamization was so badly threatened you were sending troops into Cambodia.

Would you explain this apparent contradiction for us?

THE PRESIDENT. I explained it in my speech of April 20th, as you will recall, because then I said that Vietnamization was going so well that we could bring 150,000 out by the spring of next year, regardless of the progress in the Paris peace talks and the other criteria that I mentioned.

But I also warned at that time that increased enemy action in Laos, in Cambodia, as well as in Vietnam, was something that we had noted, and that if I had indicated, and if I found, that that increased enemy action would jeopardize the remaining forces who would be in Vietnam after we had withdrawn 150,000, I would take strong action to deal with it. I found that the action that the enemy had taken in Cambodia would leave the 240,000 Americans who would be there a year from now without many combat troops to help defend them, would leave them in an untenable position. That is why I had to act.

THE POSSIBILITY OF REVOLUTION AND REPRESSION

Q. Mr. President, some Americans believe this country is heading for revolution, and others believe that crime and dissent and violent demonstrations are leading us to an era of repression. I wonder if you would give us your

view of the state of the American society and where it is heading.

THE PRESIDENT. That would require rather an extended answer. Briefly, this country is not headed for revolution. The very fact that we do have the safety valves of the right to dissent, the very fact that the President of the United States asked the District Commissioners to waive their rule for 30 days' notice for a demonstration, and also asked that that demonstration occur not just around the Washington Monument but on the Ellipse where I could hear it—and you can hear it pretty well from there, I can assure you—that fact is an indication that when you have that kind of safety valve you are not going to have revolution which comes from repression.

The second point, with regard to repression: That is nonsense, in my opinion. I do not see that the critics of my policies, our policies, are repressed. I note from reading the press and from listening to television that criticism is very vigorous and sometimes quite personal. It has every right to be. I have no complaints about it.

Yes, sir?

PARIS PEACE TALKS

Q. One of the consequences of the Cambodian action was the fact that the other side boycotted this week's peace talks in Paris. There is some question as to whether our side will attend next week. Have you made a decision on that?

THE PRESIDENT. Our side will attend next week. We expect the talks to go forward. And at the time that we are cleaning out the enemy sanctuaries in Cambodia, we will pursue the path of peace at the negotiating table there and in a number of other forums that we are presently working on.

Mr. Horner?

RESPONSE TO NORTH VIETNAMESE ACTION

Q. Mr. President, Secretary of Defense Laird said last week that if the North Vietnamese troops should move across the DMZ in force, he would recommend resumption of the bombing. What would be your reaction to such a recommendation in those circumstances?

THE PRESIDENT. I am not going to speculate as to what the North Vietnamese may do. I will only say that if the North Vietnamese did what some have suggested they might do—move a massive force of 250,000 to 300,000 across the DMZ against our Marine Corps people who are there—I would certainly not allow those men to be massacred without using more force and more effective force against North Vietnam.

I think we have warned the leaders of North Vietnam on this point several times, and because we have warned them I do not believe they will move across the DMZ.

Mrs. Dickerson?

THE VICE PRESIDENT'S SPEECH

Q. After you met with the eight university presidents yesterday, they indicated that you had agreed to tone down the criticism in your administration of those who disagree with you. Then tonight Vice President Agnew is quoted all over the news programs as making a speech which includes these words, "That every debate has a cadre of Jeremiahs, normally a gloomy coalition of choleric young intellectuals and tired, embittered elders." Why?

THE PRESIDENT. Mrs. Dickerson, I have studied the history of this country over the past 190 years. And, of course, the classic and the most interesting game is to try to drive a wedge between the President and Vice President. Believe me, I had 8 years of that, and I am experienced on that point.

Now, as far as the Vice President is concerned, he will answer for anything that he has said. As far as my attempting to tone him down or my attempting to censor the Secretary of the Interior because he happens to take a different point of view, I shall not do that. I would hope that all of the members of this administration would have in mind the fact, a rule that I have always had, and it is a very simple one: When the action is hot, keep the rhetoric cool.

SCHEDULE FOR WITHDRAWAL FROM CAMBODIA

Q. Mr. President, on April 30 you announced that you, as Commander in Chief, were sending in U.S. units and South Vietnamese units into Cambodia. Do the South Vietnamese abide by the same pull-out deadline as you have laid down for the American forces?

THE PRESIDENT. No, they do not. I would expect that the South Vietnamese would come out approximately at the same time that we do because when we come out our logistical support and air support will also come out with them.

I would like also to say that with response to that deadline I can give the members of the press some news with regard to the developments that have occurred. The action actually is going faster than we had anticipated. The middle of next week the first units, American units, will come out. The end of next week the second group of American units will come out. The great majority of all American units will be out by the second week of June, and all Americans of all kinds, including advisers, will be out of Cambodia by the end of June.

I will take you next, Mr. Potter. The writing press gets a break.

STUDENT DISSENTERS

Q. Mr. President, do you believe that the use of the word "bums" to categorize some of those who are engaged in dissent—and I know you meant it to apply to those who are destructive, but it has been used in a broader context—do you believe that is in keeping with your suggestion that the rhetoric should be kept cool?

THE PRESIDENT. I would certainly regret that my use of the word "bums" was interpreted to apply to those who dissent. All the members of this press corps know that I have for years defended the right of dissent. I have always opposed the use of violence. On university campuses the rule of reason is supposed to prevail over the rule of force. And when students on university campuses burn buildings, when they engage in violence, when they break up furniture, when they terrorize their fellow students and terrorize the faculty, then I think "bums" is perhaps too kind a word to apply to that kind of person. Those are the kind I was referring to.

Mr. Rather? I will get you next, Mr. Bailey.

ACCOMPLISHMENTS IN CAMBODIA

Q. Mr. President, you mentioned that you expected the Americans to be out of Cambodia by some time in June. President Thieu was quoted as saying in an interview that he felt the North Vietnamese could reestablish their sanctuaries in Cambodia within 6 months and possibly, he was quoted as saying, within 2 or 3 months.

If that is the case, what have we accomplished in Cambodia? Was it worth the risks, and what do we do when they reestablish those sanctuaries?

THE PRESIDENT. I am planning to give a report to the Nation when our own actions are completed, toward the latter part of June. At that time, I will answer that question in full.

At the present time, I will say that it is my belief, based on what we have accomplished to date, that we have bought at least 6 months and probably 8 months of time for the training of the ARVN, the Army of South Vietnam. We have also saved, I think, hundreds, if not thousands, of Americans, as Frank Reynolds reported tonight on ABC. Rockets by the thousands and small arms ammunition by the millions have already been captured and those rockets and small arms will not be killing Americans in these next few months. And what we have also accomplished is that by buying time, it means that if the enemy does come back into those sanctuaries next time, the South Vietnamese will be strong enough and well trained enough to handle it alone.

I should point out too, that they are handling a majority of the assignment now in terms of manpower.

Mr. Bailey?

SECRETARY HICKEL'S LETTER TO THE PRESIDENT

Q. Sir, without asking you to censor the Secretary of the Interior, could you comment on the substantive points that he made in his letter?

THE PRESIDENT. I think the Secretary of the Interior is a man who has very strong views. He is outspoken. He is courageous. That is one of the reasons I selected him for the Cabinet, and one of the reasons that I defended him very vigorously before this press corps when he was under attack.

Under Secretary Richardson Interviewed on "Issues and Answers"

Following is the transcript of an interview with Under Secretary Elliot L. Richardson on the American Broadcasting Company's radio and television program "Issues and Answers" on May 10. Interviewing the Under Secretary were Joseph C. Harsch, ABC News commentator, and John Scali, ABC News State Department correspondent.

Mr. Scali: Mr. Richardson, welcome to "Issues and Answers."

Mr. Richardson: Thank you. It is a pleasure to have the opportunity to talk with you and Mr. Harsch on these very important questions.

Mr. Scali: Mr. Secretary, now that many thousands of protestors have demonstrated here in the Capital against the administration policy on Viet Nam, what do you think Hanoi's reaction will be? Do you think that perhaps the leaders in Hanoi will see this as a sign that, regardless of how successful we are in Cambodia, the President's support here at home is crumbling and so that all they have to do is sit back and wait and win the battle for Viet Nam here at home?

Mr. Richardson: Well, I think they have good reason to pursue a course which at the same time leaves open a possible door to a negotiated settlement. Certainly it is still the objective of the administration to bring our forces from Viet Nam sooner than we could under the Vietnamization program, under an agreed timetable for withdrawal; and, of course, we hope that the effect of seizing ammunition stored in the Cambodian sanctuaries will create an additional incentive to them to negotiate.

Mr. Scali: But don't you think that, on the flip side of that coin, the fact that there has been such an uproar here at home may negate

whatever military advantages are involved in the Cambodian operation because Hanoi sees evidence of additional dissent, perhaps even revived dissent, of the kind that may diminish rather than increase the President's support?

Mr. Richardson: Of course, they have been aware for a long time of the existence of the dissent, and we have seen, certainly in the last week or more, a new expression of it, perhaps in some ways an even stronger expression of it; but at the same time, as the President made clear in his own news interview on Friday evening,¹ the administration's objectives are essentially the objectives of the dissenters also. So what we have, essentially, is a disagreement over methods and over the judgment exercised by the President as Commander in Chief in how best to pursue these objectives.

Mr. Harsch: Mr. Secretary, the purpose of the bombing of North Viet Nam was the same as—the motive behind it was the motive behind the protests. It was to get these people to the conference table and win the war, but it proved to be counterproductive. Is there any earthly reason to think that invading Cambodia will be any more successful than bombing North Viet Nam in persuading other people to talk peace?

Mr. Richardson: Well, these are, of course, operations which have as their primary objective to destroy communications and logistic bases in Cambodia; and measured by these objectives, the operations are, so far as we can judge up to now, successful.

Mr. Harsch: But there is no evidence it has brought them closer to the conference table. In fact, they are pulling away from it.

¹For excerpts from President Nixon's news conference of May 8, see *REUTERS* of May 25, 1970, p. 641.

Mr. Richardson: We have no concrete evidence of this, of course, at this point, but at the same time, however, we do have a history of 18 months in which they have maintained a very hard and very intransigent line in Paris. And so it would appear on the basis of this record that our de-escalation of the war to date, our withdrawal of forces, our scaling down of B-52 sorties, a reduction in the volume of combat activity, has not brought them to the point of serious negotiation; to want at least have the hope that to weaken their logistical base will give them an inducement that they have not had up to now.

Mr. Sealie: *Mr. Secretary, Robert Finch, the Secretary for Health, Education, and Welfare, was quoted yesterday as saying that all the key leaders involved in the Cambodia decision were surprised at the degree and the depth of opposition that was provoked here at home, even though they expected some adverse reaction. Yet Mr. Nixon said at his news conference Friday night that he wasn't surprised. Were you?*

Mr. Richardson: Well, I think myself the degree of reaction has been more intense than I personally expected. Certainly the President did give this very prayerful consideration, and I am sure that his judgment was that although this would be a serious immediate cost, nonetheless, insofar as it would further the objective of reversing the withdrawal of our forces and enhance the effectiveness of the Vietnamization process, it was a cost which, looked at 6 weeks from now or 6 months from now, would have been worth paying.

Mr. Harack: *Mr. Secretary, it has been reported that you had, yourself, great misgivings about the wisdom of sending American troops into Cambodia. What was the feature of the operation that disturbed you, and to what extent, if any, have your misgivings been removed?*

Mr. Richardson: Well, I, in this instance, have felt from the beginning that the operations do have the potential for a very significant military advantage, that they may serve to increase the incentives to the other side to negotiate. My only concerns have been with respect to possible wider repercussions, but I have always sup-

ported the decision. My own—giving you nogivings of the kind which were actually recognized and weighed by all those who had any part in advising the President, and they were fully taken into account; and I do regard myself as having been an opponent of the decisions that were taken. In fact, I urged on the President and believe that the judgment he exercised will prove to have furthered the objectives that he felt that the operations—

Mr. Harack: *Did you actually get your misgivings expressed directly to the President? I am interested in the process.*

Mr. Richardson: My role in this has been only within the Department of State. The Secretary of State has been, of course, in direct communication with—

Mr. Sealie: *Well, Secretary Rogers shared your misgivings about the use of American troops, did he not, Mr. Secretary?*

Mr. Richardson: Well, I think it is fair to say that the Secretary recognized many of the considerations which—including the congressional and public concern—would meet this decision, but he participated, together with the other close advisers of the President, in what is essentially a process of weighing all aspects of the problem and seeking to assist the President in making a judgment which, taking into account all of these considerations, represented from his point of view a judgment which best served the public interests of the United States and would help to bring about the withdrawal of U.S. forces and our disengagement from Viet-Nam.

Mr. Sealie: *Now that the uproar in Congress and among the demonstrators has been larger than some officials anticipated at least, do you think this will have the effect of making the administration more sympathetic and more sensitive to the viewpoint of critics and that perhaps more consideration will be given to this viewpoint in future military decisions?*

Mr. Richardson: Well, I certainly think it will have had the effect of encouraging measures and opportunities for communication. I think, on the other hand, it would be difficult

Secretary Rogers' News Conference of May 13

Press release 148 dated May 13

Secretary Rogers: Ladies and gentlemen, I didn't know for sure whether I'd be able to be here or not because I was testifying on a trade bill this morning so I didn't announce a press conference; but I understand that some of you have been asking to see me, and Mr. McCloskey says that the requests have become more persistent [laughter] and so I am happy to be here and will be glad to have an on-the-record press conference.

Q. Do you want to start with questions, Mr. Secretary?

A. Sure.

Q. What is the policy of the United States Government on South Vietnamese assistance—military assistance or cooperation with the Lon Nol government in Cambodia?

A. Well, as you know, the South Vietnamese have been cooperating with the Lon Nol government, and on this riverine operation they discussed the matter in advance. So there is some cooperation between the two Governments.

Naturally, we encourage that. The whole Nixon doctrine as pronounced at Guam is that the Asians should work with each other to take care of their common problems. And I was pleased to see that Thailand has renewed its diplomatic relations with Cambodia.

In terms of all the ramifications of that relationship, I think it's probably a little premature to discuss that.

Q. Mr. Secretary, will South Vietnamese troops be withdrawn from Cambodia at roughly the same time as American troops?

A. Well, I think there's a limit to what we could say about what South Vietnamese troops going to do. Originally, it was contemplated

that most of the troops would be out of Cambodia by the end of July, but I don't know that I'd want to make a commitment on behalf of the South Vietnamese. I have no reservation at all about restating what the President has said, and that is that the American troops will be out of Cambodia by the 1st of July and all the American troops will be out, including advisers.

Q. Mr. Secretary, did you support the Cambodian move before the decision was made, sir?

A. Well, I will not now and have not in the past and will not in the future make any comment about what my advice to the President has been or is or will be. Obviously, it's inappropriate for any Cabinet officer to talk about what his advice to the President was. Secondly, I think it should be pointed out that in this kind of a situation—I'm speaking now about the planning for the incursions into Cambodia—there are a great many points of view expressed. It's not just a yes-or-no proposition. There are a great many factors that enter into that decision; and I had full opportunity to present my views to the President, as did all the other advisers. They were presented, and as the President said, he made the decision.

Q. Mr. Secretary, could you comment on whether the Cambodian incursions have helped or hurt from a diplomatic standpoint in the world and as far as the negotiations are concerned?

A. Well, I think, in terms of the diplomatic community, or the international community, as far as that's concerned, probably the initial reaction was somewhat either reserved or negative, because just as a good many American—particularly young people in this country—thought that this involved a long drawn-out Cambodian operation by American troops and because they

you draw the line between protecting the sanctuaries and defense of the Cambodian Government itself?

A. Well, I'm not sure that that is a decision that the South Vietnamese Government has made. There have been statements made, but in any event, we haven't gotten to that.

As far as the United States is concerned, we are not going to take any actions.

How the Cambodians and the South Vietnamese cooperate in the future is going to have to be worked out between them. Obviously, we will play a role in that; but whatever role we played would not be inconsistent with the policy we have announced, of getting out and—

Q. On the question of the withdrawal—it's clear now that the American combat ground forces and the advisers assigned to the South Vietnamese forces are coming out of Cambodia under the announced policy—there are several other elements involved: One is the riverboat force operating with the South Vietnamese toward Phnom Penh; another is the American element of the coastal patrol force; and the other is the air support group with the Cambodians, with the South Vietnamese forces, on which I am not quite clear. The question, Mr. Secretary, is: Are all those American operations, including the coastal patrols, to be stopped, as far as the Cambodian theater of operation is concerned, by the end of June?

A. Well, I wouldn't want to say that. I think we've said enough when we've said what we are going to stop.

Insofar as the riverine operation is concerned, the Americans have not exceeded the 21-mile limit, and we don't intend to.

Insofar as getting Americans out of the river in Cambodia is concerned, the answer is: "Yes, that would be included."

So far as patrolling international waters is concerned, that's different. I'm not sure what we will do. My guess would be that we will continue. We have had a patrol of international waters all the time—this is just extending it a little bit—so I don't want to make any predictions about that.

Q. Mr. Secretary, is there any intention at any time soon to upgrade Mr. Habib [Philip C.

Habib, acting head of the U.S. delegation to the Paris meetings on Viet Nam], or perhaps a successor for him, to give him the title of actually head of the delegation there and remove this obstacle that the Communists complain about in those negotiations?

A. Well, we haven't. If I thought it would do any good, we might.

I don't think it would make much difference. I think it would look like window dressing.

Q. Mr. Secretary, are you ruling out—or not ruling out—U.S. air activity over Cambodia past the June 30 deadline?

A. No, I haven't ruled it out at all. We had air activity over Cambodia before the change of the government, and we haven't said anything one way or the other about that.

Policy on Bombing

Q. Mr. Secretary, we have often heard about the understanding which brought an end to the bombing of North Viet-Nam—and several of the positions look as if they are being nibbled at. For example, reconnaissance planes are being fired at. The other day, there were rocket attacks on Saigon. Do you feel that this understanding has become more fragile? And if it should finally be violated, what would be the response?

A. Well, I don't think we—I think that we are putting more emphasis on conditions as they exist rather than agreements.

Now, it is true that we—when we came in office there was this so-called understanding that was sort of implicit. There was nothing in writing about it. It consisted of conversations that different people had with different people, and you had to put all the conversations together to come to the conclusion.

We think the conclusion is a valid one. We think there was an agreement. We think it has been violated by North Viet-Nam on many occasions.

If they continue to violate it or if they continue to take other action, then, as the President says, he will have to make a decision what to do at that time.

Q. Mr. Secretary, if that question did come

DEPARTMENT OF STATE

DPC 90

TRANSCRIPT OF PRESS, RADIO AND TELEVISION NEWS BRIEFING,
THURSDAY, MAY 14, 1970, 12:28 P.M., E.D.T.

(ON THE RECORD UNLESS OTHERWISE INDICATED)

MR. MCCLOSKEY: Before we get on to the business of the day, and while waiting for our stenotypist, I thought I would bring you up to date on the aviary in the Diplomatic Lobby. All doves survived last evening's rainstorm. There are now four, two new ones having been hatched over the last week. According to an official of the Department of the Interior, the doves are expected to fledge within two weeks.

Q. Are expected to what?

A. Fledge -- a verb, from Webster's: to acquire the feathers necessary for flight; to rear or care for a young bird until plumage is developed enough for flying; to cover with or as if with feathers or a feathery growth; illustrated by the Bard of Avon, who is quoted as saying, "Your master, whose chin is not yet fledged."

Q. Do you find this two weeks period significant in a diplomatic sense?

A. I told you before that I would avoid any symbolism --

Q. Are you saying there is a --

A. I was simply giving clinical reports.

Q. Do you have a similar position to report on the hawks?

Q. Are you saying there is a feathery growth on the dove

Wednesday next -- so I would think, again on background, it would be unlikely.

Q Bob, have you got any confirmation of published reports that a hundred additional Soviet pilots have -- and also softer reports about a brigade that has been brought in, Soviet brigade, to protect the SAM-3 sites?

A No. Seriously, it's difficult to come by specific figures on or in either of these categories. There were, of course, many additional Soviet personnel who went into the United Arab Republic on delivery of the SA-3 units, but to have precise figures is for the United States a little difficult.

Q From what we can tell, are Soviet military shipments to the Arab countries continuing?

A Oh, yes. I have no reason to think they are not, John. I think that is a continuing matter.

Q Bob, on Cambodia, the Secretary yesterday said that there had been air activity over Cambodia before the current crisis. Since he has opened up this subject, I was wondering if you could put on the record what these air activities were.

A Well, I don't know literally what kind of aircraft or how often. The nature of it is of suppressive fire activity, largely as a result of cross-border firing against U.S. Forces in South Viet-Nam. We have, on a couple of occasions that I can remember, confirmed or announced that a helicopter or two crashed -- lost; we have had bodies returned from the Cambodian side. In general, that's the nature of what the Secretary was talking about.

Q Can you specify how far into Cambodia these raids went?

A I don't know.

Q Bob, wasn't there bombing, too, of the sanctuary areas in advance of the attack for several days?

A I don't know, John, for how long. On background, I think you're correct. There probably was.

Q Bob, are the apprehensions expressed by some people that the South Vietnamese won't get out of Cambodia well-founded in your opinion?

A Well, that is a little difficult to say. I don't know that the South Vietnamese Government has communicated to us a specific policy statement about the

In general, under the charter the use of armed force is prohibited except as authorized by the United Nations or by a regional organization within the scope of its competence under chapter VIII of the charter or, where the Security Council has not acted, in individual or collective self-defense against an armed attack. It is this latter basis on which we rely for our actions against North Vietnamese armed forces and bases in Cambodia.

Since 1965 we and the Republic of Viet-Nam have been engaged in collective measures of self-defense against an armed attack from North Viet-Nam. Increasingly since that time, the territory of Cambodia has been used by North Viet-Nam as a base of military operations to carry out that attack, and it long ago reached a level that would have justified our taking appropriate measures of self-defense on the territory of Cambodia. However, except for scattered instances of returning fire across the border, we refrained until April from taking such action in Cambodia. The right was available to us, but we refrained from exercising it in the hope that Cambodia would be able to impose greater restraints on enemy use of its territory.

However, in late April a new and more dangerous situation developed. It became apparent that North Viet-Nam was proceeding rapidly to remove all remaining restraints on its use of Cambodian territory to continue the armed attacks on South Viet-Nam and our armed forces there.

Prior to undertaking military action, the United States explored to the fullest other means of peaceful settlement.

We awaited the outcome of the Cambodian Government's efforts to negotiate with the North Vietnamese and the Viet Cong agreed limitations on the use by the latter of Cambodian territory—without success.

We have continually tried in the Paris talks to bring about serious negotiation of the issues involved in the war.

Soundings in the Security Council indicated very little interest in taking up the North Vietnamese violations of Cambodian territorial integrity and neutrality.

We welcomed the French proposal looking to the possibility of an international conference—although not publicly, for fear of discouraging Hanoi's participation. The Soviet Union, after initially indicating interest, backed away.

We were particularly pleased with the calling of the Djakarta conference of interested Asian states to deal with the Cambodian problem on a regional basis. The best longrun approach to East Asian security problems lies through cooperative actions such as this. In the short run, however, they cannot be expected to provide an adequate defense against the North Vietnamese military threat.

The United States has imposed severe limits on the activities of U.S. forces. They will remain in Cambodia only a limited time—not beyond June 30; in a limited area—not beyond 21 miles from the border; and with a limited purpose—to capture or destroy North Vietnamese supplies, to destroy base installations, and to disrupt communications. To the maximum extent possible, we have directed our forces at enemy base areas and have tried to avoid civilian population centers. We have limited our area of operations to that part of Cambodia from which Cambodian authority had been eliminated and which was occupied by the North Vietnamese.

The Cambodian Government and the Cambodian people are not the targets of our operations. During the period from 1967 to 1970 the Cambodian Government became increasingly outspoken in its opposition to the North Vietnamese occupation. In fact, Sihanouk's purpose in going to the Soviet Union and China when he was deposed was to solicit their help in persuading the North Vietnamese to get out of Cambodia. The Lon Nol government has expressed its understanding of our actions.

Our actions in Cambodia are appropriate measures of legitimate collective self-defense, and we have so reported to the United Nations, as required by article 51 of the United Nations Charter.²³

²³ For text of a U.S. letter dated May 5 to the President of the U.N. Security Council, see BULLETIN of May 25, 1970, p. 632.

"Justice delayed is justice denied." That is a maxim I learned even before I attended law school. But its universal familiarity makes it no less valid. When parties to all cases are denied prompt judicial determination of their rights and liabilities, interruption of commerce and personal frustration are the result. When delays occur between indictment and trial in criminal cases, innocent persons are required to wait many painful months before their good names may be cleared and the community as

a whole is subjected to the risk of repeated criminal acts committed by some persons free awaiting trial.

It is toward the solving of these problems that these two bills are directed. This is a most important step in our common goal of insuring that the courts of this Nation are able to give to the cases which are brought before them the most thoughtful and prompt scrutiny possible.

NOTE: As enacted, S. 952 is Public Law 91-272 and S. 2624 is Public Law 91-271, both approved on June 2, 1970.

THE CAMBODIAN SANCTUARY OPERATION

The President's Interim Report to the Nation. June 3, 1970

Good evening, my fellow Americans:

One month ago, I announced a decision ordering American participation with South Vietnamese forces in a series of operations against Communist-occupied areas in Cambodia which have been used for 5 years as bases for attacks on our forces in South Vietnam.

This past weekend, in the Western White House in California, I met with Secretary Laird, General Abrams and other senior advisers to receive a firsthand report on the progress of this operation.

Based on General Abrams' report, I can now state that this has been the most successful operation of this long and very difficult war.

Before going into the details which form the basis for this conclusion, I believe it would be helpful to review briefly why I considered it necessary to make this decision, what our objectives were, and the prospects for achieving those objectives.

You will recall that on April 20, I announced the withdrawal of an additional 150,000 American troops from Vietnam within a year—which will bring the total number withdrawn, since I have taken office, to 260,000. I also reaffirmed on that occasion our proposals for a negotiated peace.

At the time of this announcement I warned that if the enemy tried to take advantage of our withdrawal program by increased attacks in Cambodia, Laos, or South Vietnam in a way that endangered the lives of our men remaining in South Vietnam, I would, in my capacity as Commander in Chief of our Armed Forces, take strong action to deal with that threat.

Between April 20 and April 30, Communist forces launched a series of attacks against a number of key cities in neutral Cambodia. Their objective was unmistakable—to link together bases they had maintained in Cambodia for 5 years in violation of Cambodian neutrality. The entire 600-mile Cambodian-South Vietnam border would then have become one continuous hostile territory from which to launch assaults upon American and allied forces.

This posed an unacceptable threat to our remaining forces in South Vietnam. It would have meant higher casualties. It would have jeopardized our program for troop withdrawals. It would have meant a longer war. And—carried out in the face of an explicit warning from

Americans who entered Cambodia have already returned to Vietnam. The remainder will return by the end of this month. This includes all American air support, logistics, and military advisory personnel.

The only remaining American activity in Cambodia after July 1 will be air missions to interdict the movement of enemy troops and material where I find that is necessary to protect the lives and security of our men in South Vietnam.

Our discussions with the South Vietnamese Government indicate that their primary objective remains the security of South Vietnam, and that their activity in Cambodia in the future—after their withdrawal from the sanctuaries—will be determined by the actions of the enemy in Cambodia.

When this operation was announced, the critics charged that it would increase American casualties, that it would widen the war, that it would lengthen our involvement, that it might postpone troop withdrawals. But the operation was undertaken for precisely the opposite reasons—and it has had precisely the opposite effect.

Let us examine the long-range impact of this operation.

First, we have eliminated an immediate danger to the security of the remaining Americans in Vietnam, and thereby reduced our future casualties. Seizing these weapons and ammunition will save American lives. Because of this operation, American soldiers who might not otherwise be ever coming home, will now be coming home.

Second, we have won some precious time for the South Vietnamese to train and prepare themselves to carry the burden of their national defense, so that our American forces can be withdrawn.

From General Abrams' reports and from our advisers in the field, one of the most dramatic and heartening developments of the operation has been the splendid performance of the South Vietnamese Army. Sixty percent of all the troops involved in the Cambodian operations were South Vietnamese. The effectiveness, the skill, the valor with which they fought far exceeded our expectations. Confidence and morale in the South Vietnamese Army has been greatly bolstered. This operation has clearly demonstrated that our Vietnamization program is succeeding.

Third, we have insured the continuance and success of our troop withdrawal program. On April 20, I announced an additional 150,000 Americans would be home within a year. As a result of the success of the Cambodian operations, Secretary Laird has resumed the withdrawal of American forces from Vietnam. Fifty thousand of the 150,000 I announced on April 20 will now be out by October 15.

As long as the war goes on, we can expect some setbacks and some reversals. But, following the success of this effort, we can say now with confidence that we will keep our timetable for troop withdrawals.

Secretary Rogers and I have been particularly encouraged by the resolve of 11 Asian countries at the Djakarta Conference to seek a solution to the problem of Cambodia. Cambodia offers an opportunity for these 11 Asian nations, as well as other countries of the area, to cooperate in supporting the Cambodian Government's effort to maintain Cambodia's neutrality, its independence, and its territorial integrity. We shall do what we can to make it possible for these Asian initiatives to succeed.

To the North Vietnamese tonight I say again: The door to a negotiated peace remains wide open. Every offer we have made at the conference table, publicly or privately, I herewith reaffirm. We are ready to negotiate whenever they are ready to negotiate.

However, if their answer to our troop withdrawal program and to our offer to negotiate, is to increase their attacks in a way that jeopardizes the safety of our remaining forces in Vietnam, I shall, as my action 5 weeks ago clearly demonstrated, take strong and effective measures to deal with that situation.

As all of you know, when I first announced the decision on Cambodia, it was subjected to an unprecedented barrage of criticism in this country. I want to express tonight my deep appreciation to the millions of Americans who supported me then and who have supported me since in our efforts to win a just peace.

But I also understand the deep divisions in this country over the war. I realize that many Americans are deeply troubled. They want peace. They want to bring the boys home. Let us understand once and for all that no group has a monopoly on those concerns. Every American shares those desires; I share them very deeply.

Our differences are over the best means to achieve a just peace.

As President, I have a responsibility to listen to those in this country who disagree with my policies. But I also have a solemn obligation to make the hard decisions which I find are necessary to protect the lives of 400,000 American men remaining in Vietnam.

When I spoke to you a month ago, a clear threat was emerging in Cambodia to the security of our men in Vietnam.

Ask yourselves this question: If an American President had failed to meet this threat to 400,000 American men in Vietnam, would those nations and peoples who rely on America's power and treaty commitments for their security—in Latin America, Europe, the Mideast or other parts of Asia—retain any confidence in the United States? That is why I deeply believe that a just peace in Vietnam is essential if there is to be a lasting peace in other parts of the world.

With this announcement tonight, we have kept the pledge I made when I ordered this operation, that we would withdraw from Cambodia on a scheduled timetable—just as this administration has kept every pledge it has made to the American people regarding the war in Vietnam and the return of American troops.

Let us look at the record.

In June of 1969, I pledged a withdrawal of 25,000 troops. They came home. In September of the same year I said I would bring home an additional 35,000. They came home. In December I said an additional 50,000 Americans were coming out of Vietnam. They, too, have come home.

There is one commitment yet to be fulfilled. I have pledged to end this war. I shall keep that promise. But I am determined to end the war in a way that will promote peace rather than conflict throughout the world. I am determined to end it in a way that will bring an era of reconciliation to our people—and not an era of furious recrimination.

In seeking peace, let us remember that at this time only this administration can end this war and bring peace. We have a program for

peace—and the greater the support the administration receives in its efforts, the greater the opportunity to win that just peace we all desire.

Peace is the goal that unites us. Peace is the goal toward which we are working. And peace is the goal this Government will pursue until the day that we reach it.

Thank you and good night.

NOTE: The President spoke at 9 p.m. in his office at the White House. His remarks were broadcast on radio and television.

The White House also released the following information on the Cambodian sanctuary operation:

COMPLETE INVENTORY OF CAPTURED OR DESTROYED EQUIPMENT as of 4 p.m. June 3 1970	
<i>Total Operations</i>	
Individual Weapons	15, 251
Crew-Served Weapons	2, 114
Bunkers/Structures Destroyed	8, 296
Machine Gun Rounds	3, 267, 952
Rifle Rounds	6, 910, 972
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Total Small Arms Ammunition (Machine Gun & Rifle Rounds)	10, 178, 924
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Grenades	34, 813
Mines	3, 961
Miscellaneous Explosives (lbs) (includes 1,000 Satchel Charges)	76, 600
Anti-Aircraft Rounds	132, 694
Mortar Rounds	48, 320
Large Rocket Rounds	1, 587
Smaller Rocket Rounds	26, 191
Recoilless Rifle Rounds	22, 202
Rice (lbs)	11, 080, 000
Man Months	243, 760
Vehicles	359
Boats	40
Generators	36
Radios	186
Medical Supplies (lbs)	50, 800
Enemy KIA	9, 145
POWs (includes Detainees)	1, 916

Presidential Scholars

*The President's Remarks to High School Students
Selected as Presidential Scholars of 1970.
June 4, 1970*

Dr. Wallis, Presidential Scholars, and our guests:

I appreciate this opportunity to come over and personally to congratulate you for the awards you have received. As you can imagine in a day in the life of a

President, he has many meetings of this kind and each time I get a little folder telling me about the group that I am to receive. Usually it indicates that those who are being honored are being honored in a very material way, I mean by that, a prize of money or some fancy gift or something like that.

So, I looked over this group and I saw that it was the elite of all of the high school and secondary graduates for the year 1970. Out of 3 million the 119 who are here, according to Dr. Wallis, these are the best. So, I thought, of course, that since you were selected as the best out of

Enemy attacks in Vietnam increased during April.

This past winter Hanoi launched a major offensive against the legitimate government of Laos which they themselves had helped to establish under the 1962 Geneva Accords. For years, in violation of those accords, North Vietnamese troops have occupied Laotian territory and used its eastern regions as a highway for the export of aggression into South Vietnam.

In March and April of this year, Communist troops used their long held bases in Cambodia to move against the Government of Cambodia in a way which increased the long-term threat to allied forces in South Vietnam as well as to the future of our Vietnamization and withdrawal programs. These new violations, too, took place against a backdrop of years of Communist disregard of the neutrality and territorial integrity of Cambodia—guaranteed in the 1954 Geneva Agreements to which Hanoi was a signatory.

BACKGROUND OF THE APRIL 30 DECISION

In assessing the April 30 decision to move against the North Vietnamese and Viet Cong sanctuaries in Cambodia, four basic facts must be remembered.

It was North Vietnam—not we—which brought the Vietnam War into Cambodia.

For five years, North Vietnam has used Cambodian territory as a sanctuary from which to attack allied forces in South Vietnam. For five years, American and allied forces—to preserve the concept of Cambodian neutrality and to confine the conflict in Southeast Asia—refrained from moving against those sanctuaries.

It was the presence of North Vietnamese troops on Cambodian soil that contributed to the downfall of Prince Sihanouk. It was the indignation of the Cambodian people against the presence of Vietnamese Communists in their country that led to riots in Phnom Penh which contributed to Prince Sihanouk's ouster—an ouster that surprised no nation more than the United States. At the end of Sihanouk's rule, the United States was making efforts to improve relations with his government and the Prince was taking steps against the Communist invaders on his national soil.

It was the government appointed by Prince Sihanouk and ratified by the Cambodian National Assembly—not a group of usurpers—which overthrew him with the approval of the National Assembly. The United States had neither connection with, nor knowledge of, these events.

It was the major expansion of enemy activity in Cambodia that ultimately caused allied troops to end five years of restraint and attack the Communist base areas.

The historical record is plain.

Viet Cong and North Vietnamese troops have operated in Eastern Cambodia for years. The primary objective of these Communist forces has been the support of Hanoi's aggression against South Vietnam. Just as it has violated the 1962 Geneva Accords on Laos, North Vietnam has consistently ignored its pledge, in signing the 1954 Geneva Accords, to respect Cambodian neutrality and territorial integrity.

In a May 1967 Phnom Penh radio broadcast, Prince Sihanouk's following remarks were reported to the Cambodia people:

"I must tell you that the Vietnamese communists and the Viet Cong negotiated with us three or four times but that absolutely nothing comes out of the negotiations . . . After I expelled the French and after the French troops left Cambodia, Viet Minh remained in our country in order to conquer it. How can we have confidence in the Viet Minh? . . . If we side with the Viet Minh we will lose our independence."

Late in 1969, Prince Sihanouk ordered Cambodia's underequipped and weak armed forces to exercise some measure of control over North Vietnamese and Viet Cong Communist forces occupying Cambodian territory.

At the same time, the Communist forces were actively preparing in their base areas for new combat in South Vietnam. These areas—on the Cambodian side of the Vietnam-Cambodian border—have for years served as supply depots and base camps for enemy troops infiltrated through Laos into South Vietnam. They have also served as sanctuaries for North Vietnamese and Viet Cong headquarters elements and for combat troops to rest, refit and re-supply on their return from South Vietnam.

Our screening of more than six tons of documents captured in the Cambodian operations has provided conclusive proof of Communist reliance on Cambodia as a logistic and infiltration corridor and as a secure area from which Communist designs on Vietnam as well as in Cambodia itself could be carried out.

On January 6, 1970, Prince Sihanouk departed on vacation in France. His Prime Minister, Lon Nol, and Deputy Prime Minister, Sirik Matak, were left in charge. In early March, with Sihanouk still in power, there were public demonstrations, first in the Eastern provinces of Cambodia and later in Phnom Penh, against flagrant North Vietnamese violation of Cambodia's territorial integrity.

On March 13, Prince Sihanouk left Paris for Moscow and Peking, avowedly to seek Soviet and Chinese assistance in persuading the Vietnamese Communists to reduce the presence of North Vietnamese and Viet Cong forces in Cambodia.

Then, on March 18, the Cambodian National Assembly by unanimous vote declared that Prince Sihanouk was no longer Chief of State. Cheng Heng was retained as Acting Chief of State. Lon Nol and Sirik Matak kept their positions. Reasons for Sihanouk's ouster included growing objections to his mishandling of the economy and to his by-passing of the Cabinet and National Assembly; but resentment over North Vietnam's flagrant misuse of Cambodian territory certainly contributed. Sihanouk arrived in Peking the same day, and met with the Peking leadership as well as with the North Vietnamese Prime Minister who had hastened to Peking to greet him. Thereafter Sihanouk has increasingly identified himself with the Communist cause in Indochina.

This government had no advance warning of the ouster of Sihanouk, with whom we had been attempting to improve relations. Our initial response was to seek to preserve the status quo with regard to Cambodia and to try to prevent an expansion of Communist influence. The immunity of the Cambodian sanctuaries had been a serious military handicap for us for many years. But we had refrained from moving against them in order to contain the conflict. We recognized both the problems facing

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Sihanouk and the fact that he had exercised some measure of control over Communist activities, through regulation of the flow of rice and military supplies into the sanctuaries from coastal ports. We considered that a neutral Cambodia outweighed the military benefits of a move against the base areas.

This is why diplomatically our first reaction to Sihanouk's overthrow was to encourage some form of accommodation in Cambodia. We spoke in this sense to interested governments. And we made clear through many channels that we had no intention of exploiting the Cambodian upheaval for our own ends.

These attempts ran afoul of Hanoi's designs. North Vietnam and the Viet Cong withdrew their representation from Phnom Penh. North Vietnamese and Viet Cong forces began to expand their base areas along the border.

By April 3, they were beginning to launch attacks against Cambodian forces in Svay Rieng Province. Later these attacks were extended to other outposts in Eastern Cambodia, forcing Cambodian troops to evacuate border positions in the Parrot's Beak area by April 10. Communist attacks were also directed against Mekong River traffic.

By April 16, the North Vietnamese and Viet Cong troops began to launch isolated attacks deep into Cambodia including an attack on the capital of Takeo Province south of Phnom Penh.

Despite escalating Communist activity in Cambodia, we continued to exercise restraint. Though the implications of the Communist actions for our efforts in Vietnam were becoming increasingly ominous, Communist intentions in Cambodia were still not absolutely clear. The military moves by the North Vietnamese and Viet Cong in Cambodia could still be interpreted as temporary actions to secure their base camps in light of the uncertainties following Sihanouk's removal.

When I made my April 20 speech announcing the withdrawal of 150,000 troops over the next year, I knew that we might be at a crossroads in Cambodia. I nevertheless made the announcement because it would leave no doubt about our intention to de-escalate the conflict.

I also used the occasion to restate very forthcoming political principles for a negotiated peace. At the same time I described the pattern of North Vietnamese aggression in Indochina, and acknowledged that my withdrawal decision involved some risks when viewed against this enemy escalation. I therefore reiterated my determination to take strong and effective measures if increased enemy action in Laos, Cambodia or South Vietnam jeopardized the security of our remaining forces in Vietnam.

Within days of my April 20 speech, Communist intentions became painfully and unambiguously clear. In the face of our restraint and our warnings, the North Vietnamese continued to expand their territorial control, threatening to link up their base areas. From a series of isolated enclaves, the base areas were rapidly becoming a solid band of self-sustaining territory stretching from Laos to the sea from which any pretense of Cambodian sovereignty was rapidly being excluded.

—On April 20, North Vietnamese forces temporarily captured Saang, only eighteen miles south of Phnom Penh.

- On April 22, Communist forces assaulted the town of Snuol east of Phnom Penh.

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- On April 23, they attacked the town of Mimot and an important bridge linking the town of Snuol and the capital of Kratie Province on Route 13.
- On April 24, they moved on the resort city of Kep.
- On April 26, they attacked some ships on the Mekong and occupied the town of Angtassom, a few miles west of Takeo.
- They then attacked the city of Chhlong, on the Mekong River north of Phnom Penh, and the port city of Kampot.
- During this same period, they cut almost every major road leading south and east out of Phnom Penh.

The prospect suddenly loomed of Cambodia's becoming virtually one large base area for attack anywhere into South Vietnam along the 600 miles of the Cambodian frontier. The enemy in Cambodia would have enjoyed complete freedom of action to move forces and supplies rapidly across the entire length of South Vietnam's flank to attack our forces in South Vietnam with impunity from well-stocked sanctuaries along the border.

We thus faced a rapidly changing military situation from that which existed on April 20.

The possibility of a grave new threat to our troops in South Vietnam was rapidly becoming an actuality.

This pattern of Communist action prior to our decision of April 30 makes it clear the enemy was intent both on expanding and strengthening its military position along the Cambodian border and overthrowing the Cambodian government. The plans were laid, the orders issued, and already being implemented by Communist forces.

Not only the clear evidence of Communist actions—but supporting data screened from more than six tons of subsequently captured Communist documents—leaves no doubt that the Communists' move against the Cambodian Government preceded the U.S. action against the base areas.

THREE OPTIONS

On April 30, before announcing our response, I outlined the three basic choices we had in the face of the expanding Communist threat.

First, we could do nothing. This would have eroded an important restraint on the loss of American lives. It would have run the risk of Cambodia's becoming one vast enemy staging area, a springboard for attacks on South Vietnam without fear of retaliation. The dangers of having done nothing would not have fully materialized for several months and this government might have been commended for exercising restraint. But, as withdrawals proceeded, our paralysis would have seriously jeopardized our forces in Vietnam and would have led to longer lists of American casualties. The United States could not accept the consequences of inaction in the face of this enemy escalation. The American men remaining in South Vietnam after our withdrawal of 150,000 would have been in severe jeopardy.

Our second choice was to provide massive assistance to Cambodia. This was an unrealistic alternative. The small Cambodian army of 30,000 could not effectively utilize any massive transfusion of military assistance against the immediate enemy threat. We also did not wish to get drawn into the permanent direct defense of Cambodia. This would have been inconsistent with the basic premises of our foreign policy.

After intensive consultations with my top advisers, I chose the third course. With the South Vietnamese we launched joint attacks against the base areas so long occupied by Communist forces.

Our military objectives were to capture or destroy the arms, ammunition and supplies that had been built up in those sanctuaries over a period of years and to disrupt the enemy's communication network. At the least this would frustrate the impact of any Communist success in linking up their base areas if it did not prevent this development altogether.

I concluded that, regardless of the success of Communist assaults on the Cambodian Government, the destruction of the enemy's sanctuaries would:

- remove a grave potential threat to our remaining men in South Vietnam, and so reduce future American casualties.
- give added assurance of the continuance of our troop withdrawal program.
- insure the timetable for our Vietnamization program.
- increase the chances of shortening the war in South Vietnam.
- enhance the prospects of a negotiated peace.
- emphasize to the enemy whether in Southeast Asia or elsewhere that the word of the United States—whether given in a promise or a warning—was still good.

THE MILITARY OPERATIONS

Ten major operations were launched against a dozen of the most significant base areas with 32,000 American troops and 48,000 South Vietnamese participating at various times. As of today, all Americans, including logistics personnel and advisers, have withdrawn, as have a majority of the South Vietnamese forces.

Our military response to the enemy's escalation was measured in every respect. It was a limited operation for a limited period of time with limited objectives.

We have scrupulously observed the 21-mile limit on penetration of our ground combat forces into Cambodian territory. These self-imposed time and geographic restrictions may have cost us some military advantages, but we knew that we could achieve our primary objectives within these restraints. And these restraints underscored the limited nature of our purpose to the American people.

My June 3 interim report pointed up the success of these operations and the massive amounts of supplies we were seizing and destroying. We have since added substantially to these totals. A full inventory is attached as an appendix to the report. Here are some highlights.

According to latest estimates from the field, we have captured:

- 22,892 individual weapons—enough to equip about 74 full-strength North Vietnamese infantry battalions and 2,509 big crew-served weapons—enough to equip about 25 full-strength North Vietnamese infantry battalions;
- More than 15 million rounds of ammunition or about what the enemy has fired in South Vietnam during the past year;
- 14 million pounds of rice, enough to feed all the enemy combat battalions estimated to be in South Vietnam for about four months;

- 143,000 rockets, mortars, and recoilless rifle rounds, used against cities and bases. Based on recent experience, the number of mortars, large rockets, and recoilless rifle rounds is equivalent to what the enemy shoots in about 14 months in South Vietnam;
- Over 199,552 anti-aircraft rounds, 5,482 mines, 62,022 grenades, and 83,000 pounds of explosives, including 1,002 satchel charges;
- Over 435 vehicles and destroyed over 11,688 bunkers and other military structures.

And while our objective has been supplies rather than personnel, the enemy has also taken a heavy manpower loss—11,349 men killed and about 2,328 captured and detainees.

These are impressive statistics. But what is the deeper meaning of the piles of enemy supplies and the rubble of enemy installations?

We have eliminated an immediate threat to our forces and to the security of South Vietnam—and produced the prospect of fewer American casualties in the future.

We have inflicted extensive casualties and very heavy losses in material on the enemy—losses which can now be replaced only from the North during a monsoon season and in the face of counteraction by South Vietnamese ground and U.S. air forces.

We have ended the concept of Cambodian sanctuaries, immune from attack, upon which the enemy military had relied for five years.

We have dislocated supply lines and disrupted Hanoi's strategy in the Saigon area and the Mekong Delta. The enemy capacity to mount a major offensive in this vital populated region of the South has been greatly diminished.

We have effectively cut off the enemy from resupply by the sea. In 1969, well over half of the munitions being delivered to the North Vietnamese and Viet Cong in Cambodia came by sea.

We have, for the time being, separated the Communist main force units—regular troops organized in formal units similar to conventional armies—from the guerrillas in the southern part of Vietnam. This should provide a boost to pacification efforts.

We have guaranteed the continuance of our troop withdrawal program. On June 3, I reaffirmed that 150,000 more Americans would return home within a year and announced that 50,000 would leave Vietnam by October 15.

We have bought time for the South Vietnamese to strengthen themselves against the enemy.

We have witnessed visible proof of the success of Vietnamization as the South Vietnamese performed with skill and valor and competence far beyond the expectation of our commanders or American advisers. The morale and self-confidence of the Army of South Vietnam is higher than ever before.

These then are the major accomplishments of the operations against the Cambodian base areas. Americans can take pride in the leadership of General Abrams and in the competence and dedication of our forces.

There is another way to view the success of these operations. What if we had chosen the first option—and done nothing?

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Our Vietnamization program would be in serious jeopardy; our withdrawals of troops could only have been carried out in the face of serious threat to our remaining troops in Vietnam.

We would have confronted an adversary emboldened by our timidity, an adversary who had ignored repeated warnings.

The war would be a good deal further from over than it is today.

Had we stood by and let the enemy act with impunity in Cambodia—we would be facing a truly bleak situation.

The allied operations have greatly reduced these risks and enhanced the prospects for the future. However, many difficulties remain and some setbacks are inevitable. We still face substantial problems, but the Cambodian operations will enable us to pursue our goals with greater confidence.

When the decision to go into Cambodia was announced on April 30, we anticipated broad disagreement and dissent within the society. Given the divisions on this issue among the American people, it could not have been otherwise.

But the majority of the Americans supported that decision—and now that the Cambodian operation is over, I believe there is a wide measure of understanding of the necessity for it.

Although there remains disagreement about its long-term significance, about the cost to our society of having taken this action—there can be little disagreement now over the immediate military success that has been achieved. With American ground operations in Cambodia ended, we shall move forward with our plan to end the war in Vietnam and to secure the just peace on which all Americans are united.

THE FUTURE

Now that our ground forces and our logistic and advisory personnel have all been withdrawn, what will be our future policy for Cambodia?

The following will be the guidelines of our policy in Cambodia:

1. There will be no U.S. ground personnel in Cambodia except for the regular staff of our Embassy in Phnom Penh.
2. There will be no U.S. advisers with Cambodian units.
3. We will conduct—with the approval of the Cambodian Government—air interdiction missions against the enemy efforts to move supplies and personnel through Cambodia toward South Vietnam and to re-establish base areas relevant to the war in Vietnam. We do this to protect our forces in South Vietnam.
4. We will turn over material captured in the base areas in Cambodia to the Cambodian Government to help it defend its neutrality and independence.
5. We will provide military assistance to the Cambodian Government in the form of small arms and relatively unsophisticated equipment in types and quantities suitable for their army. To date we have supplied about \$5 million of these items principally in the form of small arms, mortars, trucks, aircraft parts, communications equipment and medical supplies.

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6. We will encourage other countries of the region to give diplomatic support to the independence and neutrality of Cambodia. We welcome the efforts of the Djakarta group of countries* to mobilize world opinion and encourage Asian cooperation to this end.
7. We will encourage and support the efforts of third countries who wish to furnish Cambodia with troops or material. We applaud the efforts of Asian nations to help Cambodia preserve its neutrality and independence.

I will let the Asian Governments speak for themselves concerning their future policies. I am confident that two basic principles will govern the actions of those nations helping Cambodia:

- They will be at the request of, and in close concert with the Cambodian Government.
- They will not be at the expense of those nations' own defense—indeed they will contribute to their security which they see bound up with events in Cambodia.

The South Vietnamese plan to help. Of all the countries of Southeast Asia, South Vietnam has most at stake in Cambodia. A North Vietnamese takeover would, of course, have profound consequences for its security. At the same time, the leaders of South Vietnam recognize that the primary focus of their attention must be on the security of their own country. President Thieu has reflected these convictions in his major radio and TV address of June 27. Our understanding of Saigon's intentions is as follows:

1. South Vietnamese forces remain ready to prevent reestablishment of base areas along South Vietnam's frontier.
2. South Vietnamese forces will remain ready to assist in the evacuation of Vietnamese civilians and to respond selectively to appeals from the Cambodian Government should North Vietnamese aggression make this necessary.
3. Most of these operations will be launched from within South Vietnam. There will be no U.S. air or logistics support. There will not be U.S. advisers on these operations.
4. The great majority of South Vietnamese forces are to leave Cambodia.
5. The primary objective of the South Vietnamese remains Vietnamization within their country. Whatever actions are taken in Cambodia will be consistent with this objective.

In this June 27 speech President Thieu emphasized that his government will concentrate on efforts within South Vietnam. He pledged that his country will always respect the territory, borders, independence and neutrality of Cambodia and will not interfere in its internal politics. His government does not advocate stationing troops permanently in Cambodia or sending the South Vietnamese army to fight the war for the Cambodian army.

Under the foreign policy guidelines first outlined at Guam a year ago, I stressed that a threatened country should first make maximum efforts in its own self-defense. The Cambodian people and soldiers are

*Australia, Indonesia, Japan, Korea, Laos, Malaysia, New Zealand, The Philippines, Singapore, South Vietnam, Thailand

QUESTIONS

MR. SMITH. Mr. President, in your report on the Cambodian operation yesterday, you said you were going to emphasize the route of negotiated settlement again, and I gather this is the first step.

About other steps, (a) have you had any signal from Hanoi that they are more willing to talk than they have been in the past, and (b) do you have any new proposals to put to them to make a negotiated settlement more attractive?

THE PRESIDENT. We have had no signals from Hanoi directly or indirectly that their position of intransigence has changed. They still insist that their condition for a negotiated settlement is complete withdrawal of our forces and the throwing out of the government in South Vietnam as we leave.

On the other hand, we believe that they will be interested in the fact that we are appointing a new chief of delegation, because on several occasions not particularly from them, but from third parties who have talked to them, they have indicated that they felt that we should appoint a new chief of delegation.

We have now appointed one and we hope that they act. As far as new proposals are concerned, I think it is important for us to know what our proposals are because we have made some very forthcoming proposals.

First, we have offered to withdraw all of our forces if they withdraw theirs, and to have that withdrawal internationally supervised.

Second, we have offered to have cease-fires throughout the country, and have those cease-fires again internationally supervised.

Third, and most important, we have offered to have free elections throughout the country, internationally supervised. We have offered to have the supervisory bodies be ones in which the Communists can participate as well as those representing the present government in South Vietnam, and we have offered on our part, and the South Vietnamese Government has offered on its part, to accept the results of that election, even though those results might include Communists in some positions, or Communists in some power.

We believe that these offers are very forthcoming, and I should also say that in private channels we have elaborated on these offers.

Finally, I should also point out that we have not made our proposals on a take-it-or-leave-it basis. Ambassador Bruce will be in that position. He will be in a position with his new instructions to tell the opposition that we have laid these proposals out, we believe they are the formula that should provide the basis for a negotiated peace, but that we are willing to see whether we can narrow the gap between their position and ours.

There is only one matter that is not subject to negotiation, and that is the right of the South Vietnamese to determine their own future.

That is one of the reasons, for example, that the speculation with regard to our having changed our position and agreeing possibly to now offer a coalition government, a negotiated settlement, imposing a coalition government, that speculation is not correct.

It is not correct, because if we were to negotiate with the North Vietnamese and decide that we would have a coalition government and impose it on the South Vietnamese, that is a government without their choice.

If the South Vietnamese on the other hand in the free political process should choose Communists as well as non-Communists and out of that should come a government that is mixed, that is up to them.

But we will not impose a coalition government against the will, and without the consent of the people of South Vietnam. But except for those two conditions, Ambassador Bruce will be free to negotiate in a very flexible manner on our proposals or on theirs.

MR. CHANCELLOR. Mr. President, we are all pleased to be here with you tonight. As you know, the networks have standing requests for interviews of this kind with you. I would like to know why you have chosen this technique at this particular time.

THE PRESIDENT. We have, as you know, Mr. Chancellor, numbers of requests to do everything from press conferences to individual interviews, and the like. I noted, of course, that in the previous administrations this technique was used first by President Kennedy, and I thought very effectively, you remember, after his first year in office. President Johnson used it twice and I thought also in a very interesting and effective way.

I have not yet used this technique. It seemed to me that this would be useful now and incidentally, it is useful for another reason. I have followed some of what has been referred to as the instant commentary and I do know—after my press conferences—and I do know that one of the difficulties with press conferences—and some of you have been very kind in referring to the style of the conferences, not always to the replies—but one of the difficulties is that an individual does not get to follow up a question.

Now this allows that. So by taking the subject of foreign policy, by picking the anchormen of the three networks, by having a chance for a little bit longer answer and a chance to follow up, I thought we could give our television audience a chance really to get to the depths of our foreign policy thinking which you can't do when you are up there trying to, in 28 minutes, answer 24 times.

MR. SEVAREID. A lot of things have been happening in the last few days and some in the United States Senate.

THE PRESIDENT. Yes, I know.

MR. SEVAREID. Do you feel that you can give categorical assurances now that we will not send ground troops back into Cambodia no matter what?

THE PRESIDENT. Mr. Severeid, as you recall, I indicated when this operation was begun 2 months ago—incidentally, it seems much longer, a lot has happened in

those 2 months and a very great deal has been achieved, in my opinion—but I indicated then that once we had completed our task successfully of cleaning out the sanctuaries that then it would not be necessary and I would not consider it advisable to send American ground forces back into Cambodia.

I can say now that we have no plans to send American ground forces into Cambodia. We have no plans to send any advisers into Cambodia. We have plans only to maintain the rather limited diplomatic establishment that we have in Phnom Penh and I see nothing that will change that at this time.

MR. SEVAREID. You can't foreswear in a final way—

THE PRESIDENT. I realize that anybody listening to an answer—

MR. SEVAREID. That is what the Senate seems to want.

THE PRESIDENT. I think that anybody hearing the answer that I have just given would certainly get the impression and would incidentally be justified in having the impression that the President of the United States has no intention to send ground forces back into Cambodia, and I do not believe that there will be any necessity to do so.

When you say, can I be pinned down to say that under no circumstances would the United States ever do anything, I would not say that, but I will say that our plans do not countenance it, we do not plan on it, and under the circumstances, I believe that the success of the operation which we have undertaken, as well as what the South Vietnamese will be able to do, will make it unnecessary.

MR. SMITH. Mr. President, one of the things that happened in the Senate last week was the rescinding of the Gulf of Tonkin resolution by the Senate. Mr. Katzenbach, in the previous administration, told the Foreign Relations Committee that resolution was tantamount to a congressional declaration of war. If it is rescinded, what legal justification do you have for continuing to fight a war that is undeclared in Vietnam?

THE PRESIDENT. First, Mr. Smith, as you know, this war, while it was undeclared, was here when I became President of the United States. I do not say that critically. I am simply stating the fact that there were 549,000 Americans in Vietnam under attack when I became President.

The President of the United States has the constitutional right, not only the right, but the responsibility to use his powers to protect American forces when they are engaged in military actions, and under these circumstances, starting at the time I became President, I have that power and I am exercising that power.

MR. SMITH. Sir, I am not recommending this, but if you don't have a legal authority to wage a war, then presumably you could move troops out. It would be possible to agree with the North Vietnamese. They would be delighted to have us surrender. So you could—

What justification do you have for keeping troops there other than protecting the troops that are there fighting?

THE PRESIDENT. A very significant justification. It isn't just a case of seeing that the Americans are moved out in an orderly way. If that were the case, we could move them out more quickly, but it is a case of moving American forces out in a way that we can at the same time win a just peace.

Now, by winning a just peace, what I mean is not victory over North Vietnam—we are not asking for that—but it is simply the right of the people of South Vietnam to determine their own future without having us impose our will upon them, or the North Vietnamese, or anybody else outside impose their will upon them.

When we look at that limited objective, I am sure some would say, "Well, is that really worth it? Is that worth the efforts of all these Americans fighting in Vietnam, the lives that have been lost?"

I suppose it could be said that simply saving 17 million people in South Vietnam from a Communist takeover isn't worth the efforts of the United States. But let's go further. If the United States, after all of this effort, if we were to withdraw immediately, as many Americans would want us to do, and it would be very easy for me to do it and simply blame it on the previous administration, but if we were to do that, I would probably survive through my term, but it would have, in my view, a catastrophic effect on this country and the cause of peace in the years ahead.

Now I know there are those who say the domino theory is obsolete. They haven't talked to the dominoes. They should talk to the Thais, to the Malaysians, to the Singaporeans, to the Indonesians, to the Filipinos, to the Japanese, and the rest. And if the United States leaves Vietnam in a way that we are humiliated or defeated, not simply speaking in what is called jingoistic terms, but in very practical terms, this will be immensely discouraging to the 300 million people from Japan clear around to Thailand in free Asia, and even more important it will be ominously encouraging to the leaders of Communist China and the Soviet Union who are supporting the North Vietnamese. It will encourage them in their expansionist policies in other areas.

The world will be much safer in which to live.

MR. SMITH. I happen to be one of those who agrees with what you are saying, but do you have a legal justification to follow that policy once the Tonkin Gulf Resolution is dead?

THE PRESIDENT. Yes, sir, Mr. Smith, the legal justification is the one I have given, and that is the right of the President of the United States under the Constitution to protect the lives of American men. That is the legal justification. You may recall, of course, that we went through this same debate at the time of Korea. Korea was also an undeclared war, and then, of course, we justified it on the basis of a U.N. action. I believe we have a legal justification and I intend to use it.

MR. CHANCELLOR. Mr. President, can I ask you about the plans for withdrawal far down the road? There are 419,000 American troops now in Vietnam—I believe that is the figure—and 260,000 will be there in the spring of 1971 according to your withdrawal formula.

But what happens after that? Will we find ourselves in the position where we will have to keep a couple of hundred thousand men there logistically for some period of time or, sir, do you believe that we should pose that threat to the North Vietnamese that they might have to wait another 10 years while we had 200,000 men in South Vietnam?

THE PRESIDENT. I suppose that question becomes particularly apropos when you think of Korea, because in Korea we still have 50,000 men and it has been 17 years since the Korean war was over.

In terms of South Vietnam, I think we could put it, however, in another way. We are prepared by negotiation to bring out all of our forces and have no forces at all in South Vietnam if the enemy will negotiate, if they will withdraw theirs.

We are confident that the South Vietnamese can defend themselves if there is a mutual withdrawal of outside forces.

Now, if they do not agree to it, then we still have a plan which, as for its long-term goal, is to withdraw all of our forces. However, it will be in stages.

As you know, what we are withdrawing now are primarily our ground combat forces, and the majority of our ground combat forces will be out during the spring of next year. The 265,000 will—that number, of course, will be a majority of our ground combat forces.

Now, when it comes to naval forces and air forces which require more sophisticated training and the rest, it will take a longer time to get them out, but I again come back to this proposition. Our long-term goal is to get them all out, and short-term, if the enemy is willing to negotiate with our new Ambassador, we will get them all out within a year, if they are willing to negotiate.

MR. SEVAREID. Mr. President, you have always refused to set a definite terminal date for our final withdrawal from Vietnam on the grounds the enemy would just sit and wait and never negotiate at all, as I understand it.

But, your advisers always say to us that it would be better for the North Vietnamese to negotiate while we are still there rather than face Saigon alone later on.

If that is the case, then why not set a definite terminal date to encourage them to negotiate, knowing we will leave?

THE PRESIDENT. I think the argument that if we just set a terminal date as to when we are going to get out that this might, in reverse, encourage them to negotiate, I don't think it will stand up. I think it is a good debating point to make and perhaps we could say that the debating point we have made on the other side is just that, but I don't believe it is.

Let me put it this way: Put yourself in the position of the enemy. Also, put yourself in the position of an historian—and all of you are historians; you study these matters and you write about them, you think about them, and you commentate upon them. You will generally find that negotiations occur, negotiations which end war, only when the balance of power changes significantly, only when one party or the other concludes that as a result of the shift in the military balance they no longer have an opportunity to accomplish their goal militarily and therefore, they had best negotiate.

Now, I think one of the positive benefits of the Cambodian operation is that it has changed the military balance. How much it has changed in the minds of the enemy remains to be seen.

I do not say it has changed it enough so that they will negotiate. I think it might help. Only time will tell. But putting myself—again, looking at the enemy, I am convinced that if we were to tell the enemy now, the North Vietnamese, that within, as for example, the McGovern-Hatfield resolution, that by the end of this year all Americans will be gone, well, I can assure you that the enemy isn't going to negotiate in Paris at all. They are not going to talk. They are going to wait until we get out because they know that at the end of this year the South Vietnamese won't be ready to defend the country by themselves.

But if, on the other hand, the enemy feels that we are going to stay there long enough for the South Vietnamese to be strong enough to handle their own defense, then I think they have a real incentive to negotiate, because if they have to negotiate with a strong, vigorous South Vietnamese Government, the deal they can make with them isn't going to be as good as the deal they might make now.

MR. SMITH. Sir, talking about troop withdrawals, American troop withdrawals, on June 3d you said that if the other side took advantage of our troop withdrawals and intensified their attacks, you would be prepared to take strong effective measures to meet that situation.

Now, in view of the explosions of wrath on the campus at the Cambodian affair, do you think you could re-escalate even temporarily the fighting as you seem to say you might if you had to?

THE PRESIDENT. Well, Mr. Smith, when we talk about re-escalating the fighting, I think we have to be precise about what we mean. First, I have already indicated in answer to Mr. Sevaraid's first question that we have no plans to go back into Cambodia.

And, incidentally, I am not as bearish as some commentators have been about the future of Cambodia. If I could digress a moment, I think this is a question that our listeners would be interested in—Cambodia's chances of surviving as a neutral country are infinitely better now than they were on April 30th. And they are better, first, because the North Vietnamese have a 600-mile supply

line rather than a 40-mile supply line back to the sanctuaries which we have destroyed.

They are better, also, because the Cambodian Government has far more support among the people, and the reporters from Phnom Penh generally have reported that. They are better, too, because the Cambodian Government also has support from the 11 Asian nations, representing 300 million people, and I think also they are better for the reason that the South Vietnamese have been very effective when they have taken on the North Vietnamese in the Cambodian area.

They have posed a rather considerable threat to them. I do not suggest that it is still not a fragile situation. It is difficult. But it is possible for them to survive.

Now coming back to your question, first, when you talk about re-escalation, we do not plan to go back into Cambodia. We do plan, however, and I will use this power—I am going to use, as I should, the air power of the United States to interdict all flows of men and supplies which I consider are directed toward South Vietnam.

That is in my role of defending American men.

Now let's look at the other possibilities of the escalation. For example, we have a bombing pause in the north, as you note. As you also note, one of what was called the understandings when that bombing pause was entered into was that American reconnaissance flights could take place over North Vietnam so that we could determine whether or not they were planning a new attack, and those reconnaissance flights were supposed to be immune from attack.

Now consistently the North Vietnamese have been shooting at those planes. In fact at the time we embarked on the April 30th operation, I ordered some attacks on some sites in North Vietnam which had been shooting our planes.

If those attacks should now develop again, I will, of course, use our American air power against North Vietnam sites that attack our planes.

That is my responsibility, to defend American boys—American men, our boys when they do come under attack.

Now when you talk about re-escalation in other terms, I do not see that presently as a possibility, presently in terms of what the North Vietnamese may be able to do and what we would do in action to it.

But I want to leave no doubt on one score: I am concerned, as all of you gentlemen have been concerned, about the dissent on the campuses, and among a great many thoughtful Americans that are for peace, as I am sure all of you are, and as I am. Sometimes people say, "Well, was it really worth it?" Right after I made this report, one of the members of the press said, "Do you think it was all worth it?"

And my answer quite candidly is this: There are no easy choices in the position I hold, as you well know, particularly when it is one like this. I knew there was a risk, the risk of dissent, and I knew that a barrage of criticism would come not only from the campus but from many others as well.

So I had to weigh that risk. I had to weigh the risk of dissent from those who would object if I did act, against the risks to 435,000 American lives who would be in jeopardy if I did not act, and as Commander in Chief, I had no choice but to act to defend those men. And as Commander in Chief, if I am faced with that decision again, I will exercise that power to defend those men.

It will be done, and I believe that the majority of the American people will support me then, as a majority of the American people, even in this difficult period, have seemed to support me.

MR. CHANCELLOR. Mr. President, in your report on the Cambodian incursions you described again in vivid terms the dangers of a Communist-controlled Cambodia with its long frontier along South Vietnam and the ability that the enemy would have if the Communists controlled it to wreck our program of Vietnamization and many other things in South Vietnam. But some of us I think are more apprehensive than you seem to be this evening about the chances for survival of the Lon Nol government. I surely don't question your information, sir, but people do worry that that government may topple, that Sihanouk may come back, that there are an awful lot of Communist troops in that country.

What will we do then if we have this hundreds of miles of open frontier? Would you then think that we could mount an international rescue operation or would we have to be drawn in again?

THE PRESIDENT. Mr. Chancellor, the hypothetical question that you have posed shows, it seems to me, very clearly why as Commander in Chief I had no choice but to move in the sanctuary areas. Just think what the situation would be that we would confront if the Communists were to take Cambodia and if they had—they, rather than we, had the 14 million rounds of small ammunition and the 190,000 rounds of mortars and recoilless rifles, and all the rest. It would mean that the position that we would be in, and our troops would be in would be extremely difficult and more difficult than was previously the case because they not only would have the sanctuaries but they would have the back country to back it up and they would also have the Port of Sihanoukville open and over 50 percent of the material in the sanctuaries came in through that port. Now you come to the second point. Now that we have cleaned out the sanctuaries, let us suppose—and what you are putting is a hypothetical question and a hypothesis I do not accept, although it is a possibility, because nobody can be sure, it is a fragile situation—if the Communists despite the support that the present government in Cambodia gets for its neutrality, if they should nevertheless topple it, what do we do? The answer is that we continue in our course in South Vietnam to defeat the enemy there, and the South Vietnamese, who are now a very formidable fighting force, will certainly see to it that the sanctuary areas are not again occupied. That is a very real threat to whatever Communist activities might be engaged in in Phnom Penh.

MR. SEVAREID. Mr. President, in view of the Cooper-Church Amendment passed yesterday in the Senate, do you feel now obliged to suspend the negotiations with Thailand about our paying and equipping their troops that they were going to send into Cambodia? I think this is forbidden as far as the Senators are concerned.

THE PRESIDENT. Fortunately, our Founding Fathers had great wisdom when they set up two Houses of Congress.

MR. SEVAREID. So, you're going to wait and see what—

THE PRESIDENT. Oh, yes. Let me say with all due respect to both the House and the Senate—and as you know, I started in the House and also served in the Senate, and I have great respect for the Senate, I served there 2 years as a Senator and presided over the body for 8 years as Vice President—but I think the performance of the Senate over the past seven weeks, going up and down the hill on Cooper-Church, has not particularly distinguished that august body, and the Cooper-Church that came out was not a particularly precise document, and was somewhat ambiguous.

Now, fortunately, it now goes to the House and the House will work its will on that amendment, and then it goes to conference and, of course, the conference, which most of our viewers don't think of as being a very important body, that is probably the most important legislative entity that we have in our Government. Because there they take the differences between a House and a Senate bill, things that were done, for example, that went too far in one direction or too far in another, and they work them out. And I believe that the conference of the Senate and the House, when they consider all of these factors, will first be sure that the power of the President of the United States to protect American forces whenever they come into attack is in no way jeopardized. Even Cooper-Church recognizes that to an extent. And second, that they will recognize that the Nixon Doctrine, which provides that the United States rather than sending men will send arms when we consider it is in our interest to do so, arms to help other countries defend themselves. I believe that the conference will modify Cooper-Church.

MR. SEVAREID. How do you take it yourself, this action of yesterday? The Senate majority. Do you take it as a rebuke, a warning, an expression of mistrust in your word as to what you are going to do in Cambodia? How did it hit you?

THE PRESIDENT. The action of the Senate is one that I respect. I respect, I know the men in the Senate. Take the two authors, Cooper and Church. They are good men. They are very dedicated to peace. So am I.

There is one difference between us. I have responsibility for 440,000 men. They don't.

And I intend to do what is necessary to protect those men, and I believe that as far as the Senate is concerned that, while I will listen to them, I will pay attention to what they have said, I am going to wait until the House

acts, until the conference acts, and I believe that the action, the joint action of the House and Senate, will be more responsible, I will say respectfully, than the action of the Senate was.

I don't consider it a rebuke, and I am not angry at the Senate. It won't pay. They have the last word sometimes—or many words.

MR. CHANCELLOR. Sir, you said in your report that you had unambiguous knowledge of enemy intentions in Cambodia just after April 20, April 21, 22, 23. It has been asked, and I think it is valid to raise it here, could you, in these early days in that week, before you decided to move on the 30th of April, have consulted with certain key Members of Congress?

THE PRESIDENT. Well, as a matter of fact, when we talk about consultation, you can do it formally or you can do it informally, and I can assure you, Mr. Chancellor, I consulted with a great number of people between April 20th and April 30th, including Members of the Senate and Members of the House.

Now, let's come to perhaps really the thrust of your question, and I think this is perhaps something that many of our viewers and listeners would ask: Well, in ordering American men to join with the South Vietnamese, and incidentally, this was 60 percent South Vietnamese, 40 percent Americans, but we carried a very important part of the load—in ordering that kind of an action, why didn't I go to the Senate, for example, and the House and ask for their approval?

Well, now let us suppose we had done that. It took them 7 weeks for Cooper-Church. Let's suppose it had taken 7 weeks. What would have happened? Well, first, all of this year's supply of ammunition that we have acquired would have been gone out of the sanctuaries, or even worse, what might have happened is that the rather fearsome defensive barricades that they had in these sanctuaries would have been ready for us, and we would have lost not just 330 men—that is too many to lose in two months, and that is all we lost in Cambodia—we would have lost 3,000 or 4,000.

As far as I am concerned, I had to think of what was right, what was necessary, what would save American men, and the element of surprise was important.

Now let me also add this. If this had been what some thought it was, an attempt to expand the war into Cambodia, to launch a war into Cambodia, then of course, I would have gone to the Senate. You can be sure that in my administration we are not going to get involved in any more Vietnams where we do not get the approval of the Congress. I will not do this because I think we need Congressional support for our actions, and I trust we do not have to go to the Congress for that kind of support.

But when we have this limited, very precise action which was limited in terms of the time, limited in terms of 21 miles as far as we were going to go, and which had for its purpose the protecting of American lives, I had to take the action when I did, and I did not think it was wise

... give the enemy the advance notice, the strategic warning, which would have taken away the surprise and would have cost us lives.

MR. CHANCELLOR. Sir, aren't we at the crux of the argument now that is going on in the country that the Executive Branch, according to the Legislative Branch, at least one body of it, ought to be limited, they say on the Hill, in what it can do in ordering American troops to be used in many different ways around the world? I think we would all benefit, sir, if we could explore your views in a general way on that.

Do you feel that in the modern world there are situations when the President must respond against the very tight deadline or for reasons of security in using American troops crossing a border with them when he cannot, under reasons you yourself have described, consult with the Legislative Branch?

The Constitution says they declare war and you, sir, run it.

THE PRESIDENT. Another good example of course is the Cuban missile crisis. President Kennedy had a very difficult decision there and two hours and a quarter before he ordered—and I thought with great justification and great courage—before he ordered the blockade, the use of American men to blockade Cuba, he told the Senate and the Congressional leaders. Now, why didn't he give them more time? For a very good reason he did not give them more time.

It was imperative to move soon with some surprise and some impact or the possibility of a nuclear confrontation might have been greater. That is one example. I trust we don't have another Cuban missile crisis. I trust we don't have another situation like Cambodia, but I do know that in the modern world, there are times when the Commander-in-Chief, the President of the United States, will have to act quickly. I can assure the American people that this President is going to bend over backwards to consult the Senate and consult the House whenever he feels it can be done without jeopardizing the lives of American men.

But when it is a question of the lives of American men or the attitudes of people in the Senate, I am coming down hard on the side of defending the lives of American men.

MR. SMITH. I can see a clock on the wall which indicates we haven't got a lot of minutes left. I want to ask you about the Middle East.

Mr. George Ball wrote an article in last Sunday's New York Times Magazine section in which he suggested that the Russians were bold enough to move into the Middle East because we were bogged down in Indochina.

Do you accept that concatenation of the two events?

THE PRESIDENT. As a matter of fact, Mr. Smith, Mr. Ball could know something about that because he was then when we got bogged down in Indochina as you recall as Under Secretary of State. I did not hear his comments at that time indicating that that was the problem

Now, the second point that I would make is that if the United States, after this long struggle in Vietnam, if we do what Mr. Ball and some others apparently want us to do—just get out, without regard to the consequences—I do not see the American people and the American Congress then saying that if we couldn't do what was necessary where the lives of American men were involved in Vietnam, that we will do what is necessary because we are concerned about Israel or some other state in the Mideast.

You cannot separate what happens to America in Vietnam from the Mideast or from Europe or any place else. That is why European leaders—some of them don't say it publicly, but privately they all know how much rides on the United States coming out of Vietnam, not with a victory over North Vietnam, but with a just peace because if the United States is humiliated or defeated in Vietnam, the effect on the United States is what I am concerned about, the people of the United States. And I think we'll see a rampant isolationism in this country in which we will not do what we should do in other parts of the world.

If I can turn to the Middle East briefly, because I think we should spend a moment on it, if you other gentlemen would like. I think, and I say this respectfully, that some of the columnists and commentators—and I read them and listen to them both with respect—and some of us in political life have a tendency to look at the Middle East too much in terms of the Israeli-Arab struggle. We look at Israel, a strong free nation in the Middle East and we look at its neighbors, its aggressive neighbors, the UAR and Syria, and we see this struggle and we say, "Are we going to give planes to Israel and are the Russians going to give them to the UAR? And how are we going to have a settlement between Israel and the Arab states?"

If that is all there was to it, it would not be as difficult a problem as I am going to put it. I think the Middle East now is terribly dangerous. It is like the Balkans before World War I where the two super powers, the United States and the Soviet Union, could be drawn into a confrontation that neither of them wants because of the differences there.

MR. SEVAREID. Mr. President, I believe the Russians today at the U.N. are circulating some new ideas about approaching peace negotiations in the Mideast. Is there anything you can tell us about this?

THE PRESIDENT. I haven't had a chance to study them yet, but I will say this, that any propositions that the Russians or anybody else circulate that would offer a chance to cool it in the Middle East would be helpful, because when you look at the Middle East, it is not just a case of, as I say, Israel versus the Arab states, but the Soviet Union is now moving into the Eastern Mediterranean.

The Mideast is important. We all know that 80 percent of Europe's oil and 90 percent of Japan's oil comes from the Mideast. We know that the Mideast, this area,

AIR OPERATIONS & POLICY - Interdiction/Support

DEPARTMENT OF DEFENSE STATEMENT

August 10, 1970

Air Operations in Cambodia

The President's policy on air operations in Cambodia is that we will conduct operations to interdict enemy supplies, communications, and personnel when in the judgment of US Commanders, such operations will enhance the safety and security of US and allied personnel in South Vietnam. Such interdiction operations will have an ancillary effect that directly benefits the present government in Cambodia, but the purpose of our interdiction is to protect Americans and allied personnel in South Vietnam. Obviously, these operations may also have a dual benefit that may serve our purposes and at the same time serve the Cambodian Government.

But the reason for carrying on air activities in Cambodia is the interdiction of supplies, material, and personnel in order to protect Americans in Vietnam, the Vietnamization program, to enhance continuing American withdrawals and to reduce American casualties.

Secretary Rogers Discusses Middle East and Southeast Asia in Interview on CBS Morning News

Following is the transcript of an interview with Secretary Rogers on the Columbia Broadcasting System's television program Morning News on January 15. The interviewers were Bernard Kalb, Marvin Kalb, and Nelson Benton.

Press release 14 dated January 15

Bernard Kalb: Mr. Secretary, there's a report this morning from Israel of Israeli commandos striking into Lebanon, about 25 miles or so. Do you think this will affect Egypt's willingness to join in the Middle East peace talks?

Secretary Rogers: No, Mr. Kalb, I don't think that has any particular significance. There have been these attacks by guerrillas against Israel from time to time, and Israel naturally retaliates, but it doesn't affect the overall situation in any way, as I see it. The fact is that Egypt and Jordan and Israel have had a cease-fire now in effect for 5 months, and there has been no fighting among those three nations for 5 months.

Bernard Kalb: Mr. Secretary, before we go on with the Middle East, there is a particular development today—the Aswan High Dam has been dedicated, and the Russians were there today. The Americans might have been there had not a predecessor of yours, John Foster Dulles, turned down Egyptian appeals for American aid to build that dam. To take a retrospective look, Mr. Secretary, was that decision by Mr. Dulles a mistake?

Secretary Rogers: Mr. Kalb, one of the things that I've determined not to do is to criticize anyone who has been Secretary of State or make any judgments on decisions of previous Secretaries of State. It's an extremely difficult job,

as you know. I don't think anyone can answer that question. As far as the United States is concerned, we of course hope that the dam is successful. We hope that the people in Egypt will benefit as a result of the construction of this dam.

Bernard Kalb: Mr. Secretary, the Soviet Union deceived the United States during the first round of the standstill cease-fire on the Suez by introducing missiles. The President has said that there can be no peace unless the Soviet Union plays a conciliatory peace role in the Middle East. Why should you trust the Russians now, and what makes you think the Russians will play a conciliatory role?

Secretary Rogers: Well, I think that it's misleading to talk about trust as such. There are situations in the world—and this may be one—where it's to everyone's advantage to have a peaceful settlement. Now, any peaceful settlement has to be based on the premise that there may be violations, there have to be provisions to be sure that the agreement is carried out, that there are guarantees, etc. So I don't think that we in the United States deal in these matters on the basis of trust, we deal on the basis that it's in everyone's interest to work out a peaceful settlement. Now, obviously, if there is a settlement, there'll have to be guarantees, there'll have to be peacekeeping arrangements made, and the parties have to be reasonably satisfied that the agreement will be kept.

Marvin Kalb: Mr. Secretary, on current problems, mainly the Jarring mission: How would you rate the chances of its success?

Secretary Rogers: Well, it is very difficult to rate it in terms of a mathematical equation. The fact is that for the first time now since

Secretary Rogers: Well, I don't want to make any comment about that. I think answers to questions like that should be made by Ambassador Jarring. I think it's very important for the major powers, particularly the United States, to let him take the lead. This negotiation should be done quietly, and he should be the presiding officer. So I don't want to make any comment about that.

Marvin Kalb: Everybody seems to be talking. President Sadat was talking, Prime Minister Meir was talking, everyone is talking in the area, but the big powers are not talking. They seem to have more at stake.

Secretary Rogers: We're doing a great deal of talking. I spend a large part of my day talking on this subject, but we're not doing it publicly.

Marvin Kalb: Do you feel at this point that the Russians are prepared to be as responsible as you feel you are in this situation?

Secretary Rogers: Oh, I don't have any way of judging that. They have indicated some willingness to take part in guarantees, and we have to find out what they mean by that.

Marvin Kalb: Will they press the Egyptians at this point, as I assume the United States is doing some of its leverage on Israel, to be conciliatory?

Secretary Rogers: Well, we can't tell for sure. We can't tell for sure. There are indications that Egypt is serious about it, just as Israel is serious about it, and we think it may well be to everyone's interest to have a peace in the area. People talk about the Russians wanting to fish in troubled waters, but if the waters are too troubled you can't fish in them; you have a typhoon, you can't fish; and if there is a major blowup in the area it doesn't benefit anyone. I think the Russians may know that. But I want to say, Mr. Kalb, that the objective of the Government of the United States and the objective of President Nixon is to bring about peace in this generation, and the Middle East is one of the most dangerous areas in the world. And as a result of the initiative that President Nixon and this administration have taken, for

the first time there are some prospects of peace, and we're going to do everything we can to bring it about. It may not succeed. We recognize that it may explode. We hope not. We have reason to think it may not.

Bernard Kalb: Mr. Secretary, I'd like to turn this to Indochina, if I may. The latest military reports from Cambodia talk about a deteriorating situation. Admiral Moorer [Adm. Thomas H. Moorer, Chairman, Joint Chiefs of Staff] has just paid a visit there, and there is speculation that the United States may engage in an airlift to ferry in South Vietnamese troops and ammunition. Could you tell us whether the United States will in fact do such a thing and whether because of the deteriorating situation you envisage any possibility of American ground troops returning to Cambodia?

Secretary Rogers: Well, I don't accept the proposition that the situation is deteriorating. It's a dangerous situation; it always has been. I think the Cambodian Government has done better than many people thought they would do. We think that there is a possibility that the enemy is building up for an offensive in March or April—something like that. In that sense we're concerned about the future. But I don't believe it's deteriorating. As a matter of fact, there are indications that the present actions are going quite well. Now, as far as our plans are concerned, we are not going to announce what our plans are going to be, what we're going to do. We have said, and I will repeat here today, that we are not going to use American ground forces in Cambodia. It is not necessary. The South Vietnamese are assisting the Cambodians and doing it quite effectively. So we are not going to use American ground forces in Cambodia.

Marvin Kalb: Mr. Secretary, if the issue in Cambodia is not deteriorating, why is it necessary for the South Vietnamese to rush their own forces into the area south of Phnom Penh, and why is it that all of the reports suggest that Phnom Penh has been almost totally encircled, that a great deal of the countryside in Cambodia is under Communist control? I don't understand your use of the term.

Secretary Rogers: Well, I think that we have always expected that these things would happen, that attempts would be made, and as a matter of fact, we expected the North Vietnamese to attempt to reestablish the base areas in Cambodia. And what is happening is what we expected to happen, so in that sense, if you want to use the word, you can. But I don't use it in that sense. It's developing about the way we expected it would. Naturally, you're always concerned—if there is combat going on you want to do all you can to be victorious. Now the fact that the South Vietnamese are helping so effectively I think is an encouraging sign.

Marvin Kalb: Why is that?

Secretary Rogers: Well, because they have a million men, and if they cooperate as they are doing with Cambodia, it's a clear indication that the Nixon doctrine is working. The Nixon doctrine is that the Asians should carry the major share of the combat role and the United States should withdraw its troops. We're doing that. Now, here is a case where before Cambodia and South Viet-Nam didn't have even diplomatic relations, and now they are working together against the common enemy.

Bernard Kalb: Mr. Secretary, the President in his conversation the other night said that the war is beginning to end.¹ There are people who disagree with that. There is reference made to the fact that the B-52's are now bombing for the first time in the support of ground troops in Cambodia; the rate of infiltration by the enemy is higher. Where is the evidence that the war is beginning to end? End for us, or end for South Viet-Nam as well?

Secretary Rogers: Well, I think probably the President's major emphasis was on the war ending for us, because our troops are being withdrawn, and as you noticed last week, our casualties were the lowest they've been in 5 years. The costs of the war have been reduced by half. When this administration took office the expenditure was \$29 billion. As a result of President Nixon's decisions and policies, it's only half that now—\$14½ billion. We are with-

drawing troops at a regular rate. So as far as the United States is concerned, we think the war is ending, and as far as the South Vietnamese are concerned, it's ending, too. There are very few combats—there is very low combat activity in South Viet-Nam.

Bernard Kalb: Mr. Secretary, if it is ending for us, as you put it, why does not the United States then accelerate the tempo of U.S. troop withdrawal from South Viet-Nam?

Secretary Rogers: Well, we want to do it in an orderly way, in a way that is effective, and I think we're doing it that way.

Marvin Kalb: Mr. Secretary, on Cambodia again: American air might is being employed in what seems to be a support combat way and it's not simply a matter of interdicting lines of supplies. Is that true?

Secretary Rogers: Well, it's true that we are supporting the efforts of the South Vietnamese in preventing the North Vietnamese from developing sanctuaries in Cambodia. But the objective is not to support the Government of Cambodia, it's to prevent the North Vietnamese from building up these base areas in Cambodia so they can attack our troops.

99th Plenary Session on Viet-Nam Held at Paris

Following are remarks made by Ambassador David K. E. Bruce, head of the U.S. delegation, at the 99th plenary session of the meetings on Viet-Nam at Paris on January 14.

Press release 11 dated January 14

Ladies and gentlemen: These talks can progress only if both sides are willing to reach a negotiated settlement of this conflict. The United States and the Government of the Republic of Viet-Nam want such a settlement. The proposals we have put forward here are designed to achieve that goal. They have been placed before you without any preconditions to discussion of them and without any insistence that they must be the sole basis of negotiation.

It is obvious from your remarks this morn-

¹ For excerpts from an interview with President Nixon on Jan. 4, see BULLETIN of Jan. 25, 1971, p. 105.

The Nixon Doctrine: A Progress Report

Address by Marshall Green

Assistant Secretary for East Asian and Pacific Affairs¹

After being many times your guest at the Far East-America Council, it is now my pleasure and honor to be your speaker. In casting about for what might be the most appropriate subject to speak on today, I concluded that it might be well to give a progress report on the Nixon doctrine, which the President enunciated at Guam in the summer of 1969. This doctrine is, after all, the key aspect of United States foreign policy today, especially toward East Asia; and it would seem appropriate now, at the start of the new year, to review where we stand in putting this doctrine into effect. The record, I believe, is impressive—far more so than most observers realize. Many of the achievements have been quiet gains attracting little public attention, but these changes have nonetheless had profound importance for East Asia and for our relations with this important region.

The scope of the Nixon doctrine is widely known. Basically this doctrine as applied to East Asia sets a state of mind, a style of diplomacy, a way of conducting our programs abroad, which reduces our direct responsibility and calls upon the nations of the area, individually and collectively, to assume an increasing role in providing for their own internal defense.

Simply stated, the Nixon doctrine contains three basic propositions:

1. The United States will keep its treaty commitments;
2. We will provide a shield if a nuclear power threatens the freedom of a nation allied to us or of a nation whose survival we consider vital

to our security or to the security of the region as a whole; and

3. In cases involving other types of aggression, the United States will furnish aid and economic assistance when requested and appropriate. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

This new approach does not mean in any sense that the United States will cease to be a Pacific power or that we will not continue to play a significant role in East Asia. We can do so and we must. What it seeks is to establish a sound basis upon which we can continue to carry out this role in a manner compatible with Asia's own aspirations and which can command the essential support of the American people.

Having been present at the creation—as Dean Acheson would say—I can vividly recall the immediate circumstances in which the President gave his now-famous backgrounder at the Top of the Mar Hotel in Guam on July 25, 1969. It was an informal affair, called at the last moment by the President, attended by the hundred or more newsmen who accompanied him on his around-the-world trip. The President's backgrounder emphasized the great progress that had taken place in East Asia this past decade or so and stressed that the East Asian countries could now take on a large share of their own defense.

Indeed, the countries of East Asia, though they continued to seek our assistance and to need it, were by 1969 far better able to fend for themselves. Equally important, they were becoming more and more anxious to take their own initiatives and to find "Asian solutions for

¹ Made before the Far East-America Council at New York, N.Y., on Jan. 19 (press release 16).

Asian problems." Likewise, the American people were coming to feel that we had taken on far more than our due share of the burdens of military security and economic assistance abroad. Our people were asking what other developed countries were doing to help East Asia, since those countries also had a stake in the security, stability, and progress of that area.

Meanwhile, of primary importance is the fact that throughout the region there has been steady and, in some cases, spectacular economic growth. The remarkable performance of Japan, Korea, and others is well known. Indonesia, only a few short years ago teetering on the brink of bankruptcy, has now stabilized its currency and is embarked at long last on the road toward economic development. In 1960 the gross national product of free East Asia, excluding Australia and New Zealand, stood at \$82 billion. At the end of 1969 it was estimated in constant 1967 dollars at \$220 billion. Assuming present growth rates continue, this figure should approach \$300 billion by the end of this year.

Coupled with this remarkable economic growth has been a corresponding increase among Asians of a pool of technical skills, managerial competence, and entrepreneurial energy ready to tackle Asia's problems. But in many cases they lack the tools.

With this growth has also come a new sense of confidence and an improved ability to assume a larger share of the burden of their own defense. The sum total of the armed forces of our various East Asian allies has risen from about a million men a decade ago to 2 million today. These forces are better trained and better organized, although much still needs to be done in modernizing their equipment. Growth in effective reserve forces has been equally striking.

Our objective under the Nixon doctrine is to insure U.S. national security and that of our allies while at the same time permitting the reduction of U.S. forces abroad and reducing the likelihood of having to commit combat ground forces in the future.

In January 1969 we had 740,000 U.S. military personnel in East Asia. This figure now stands at 500,000, and it will be reduced on the basis of withdrawals already announced to 420,000 by the end of the current fiscal year. In short,

our troop strength in East Asia will have been cut almost in half during the past 2 years, with the nations of Asia themselves assuming the additional responsibilities. 264,000 of these troops are coming out of Viet-Nam—a dramatic example of the success of the Vietnamization program—but significant cuts are also taking place in Korea, Thailand, Japan, and elsewhere. Meanwhile, South Viet-Nam has increased its own military forces from 800,000 2 years ago to more than 1 million today.

The greatest benefit from our troop withdrawals from South Viet-Nam has been the sharp reduction in U.S. casualties. In 1965 more than 14,000 Americans lost their lives in Viet-Nam; in 1970 the figure was 4,000. In the several months before our actions against the North Vietnamese sanctuaries in Cambodia the monthly rate was 247; now it stands at 149. These figures speak for themselves.

Our troop reductions and our changing role in South Viet-Nam have also produced financial savings for the U.S. taxpayer. The costs of the war have been reduced from \$29 billion in fiscal year 1969 to \$14.5 billion this fiscal year at current rates of expenditure. I should point out, however, that not all of this represents net savings (though the great bulk of it does). As we reduce our own presence it is essential that we actually step up aid to our friends and allies to enable them to take over missions we have been performing. Thus our withdrawal of a U.S. division from Korea will save us some \$500 million per year, but we will have to help modernize the Korean armed forces if there is to be no gap in allied defenses in Korea.

Cambodia: A Test Case

I suppose many people would agree that the outstanding event in East Asia in 1970 was Cambodia.

There are no American ground combat forces in Cambodia, nor are there any American military advisers, nor any large American presence in that country; although some U.S. air activities there are required. All this relates back to a central theme in the Nixon doctrine.

We believe that the Cambodians must have primary responsibility for saving Cambodia. They feel the same way about it and have shown

remarkable unity and resolve in the face of North Vietnamese aggression. We believe that if Cambodia is to receive outside assistance in the form of troops, it should come from Cambodia's neighbors, not the United States. That principle is being carried out.

South Viet-Nam has made important contributions to the security of Cambodia through physical involvement in or near the old sanctuary areas, through effectively preventing sea supply to the North Vietnamese-Viet Cong, and through accepting many refugees from Cambodia. South Viet-Nam has also assisted in the training of Cambodian armed forces on South Vietnamese soil, and it has delivered captured equipment to Cambodia for use by the Cambodian armed forces. Similarly, Thailand has helped in the form of repair and overhauling of Cambodian aircraft, the provision of more than a dozen riverine craft, some training of Cambodian forces in Thailand, and the delivery (not yet completed) of tens of thousands of uniforms and field kits manufactured in Thailand.

We thus see for the first time in recent history in Southeast Asia a situation where Cambodia has good, mutually constructive relations with all three of its neighbors—South Viet-Nam, Thailand, and Laos. All this greatly enhances the prospects for future Southeast Asian regional cooperation; for without Cambodia, regional cooperation in continental Southeast Asia would have been greatly complicated. The new configuration resulting from Cambodia's improved relations with its neighbors is therefore most heartening, even though we recognize that it will be some time before traditional animosities are laid to rest.

I should also mention in this connection the diplomatic support extended to Cambodia by virtually all of the free East Asian countries. The Djakarta Conference in May represented an important diplomatic initiative by 11 East Asian nations to try to bring peace to Cambodia. Although those efforts have failed so far in regard to Cambodia, this is the first time in many years that so many East Asian countries got together to speak with one voice on a sensitive political issue; and it is also the first time that

the new Japan has involved itself in a prominent role in a political issue of this nature.

Finally, bearing in mind that the principal reason for our operations against the Cambodian sanctuary areas was to promote Vietnamization, which it most certainly has done, I think we can conclude that events in Cambodia in 1970 tested the Nixon doctrine in practice. It was not found wanting.

Economic and Political Gains

The Nixon doctrine relates not only to military burden-sharing but to economic and political programs as well. These latter developments are less dramatic than what has happened in Viet-Nam or Cambodia, but in the long run they also will make a significant contribution to the objectives we all seek. Several examples indicate what I have in mind.

First, burden-sharing is taking place in the economic as well as the military field. Western Europe, Australia, Japan, and others have stepped up their aid to the developing nations. In 1969, official development aid from Japan rose 22 percent over the previous year to a level of \$437 million. If export credits and private flows are included, the total reaches \$1.2 billion, or about three-quarters of 1 percent of Japan's GNP. The Japanese Government has pledged to raise this to 1 percent of GNP by 1975. Given Japan's growth rate, this would involve a three-fold increase in economic aid within the next 4 years. This is very much in line with the principles of the Nixon doctrine.

Indonesia supplies one of the best examples of multilateralism in action. Confronted by enormous economic problems in the wake of Sukarno's regime, Indonesia called upon the World Bank and International Monetary Fund for advice. These international institutions arranged with the Indonesian Government (which was represented by a group of remarkably able economists) a detailed and comprehensive plan of economic action. The Bank then called together a group of nine countries which were prepared to help in Indonesia's economic development. These countries, known as the Inter-Governmental Group of Indonesia, meet twice yearly to review Indonesia's economic performance and determine aid requirements for the

AIR OPERATIONS & POLICY - Summary Operations

NAME: Melvin R. Laird, Secretary of Defense
 OCCASION: News Conference
 DATE: January 20, 1971

the President said, I believe on June 30, that air support would not be used or not necessary during the termination of those sanctuary operations. This was a correct statement, because the South Vietnamese Air Force at that time for all we would perform the air support that was needed and necessary to finish the sanctuary operations prior to the rainy season setting in, which at that time terminated that phase of the Cambodian operation as far as the South Vietnamese were concerned.

We did, however, use air power in Cambodia. We have continued to use it, although it was not directly related to the South Vietnamese sanctuary operation. We have continued and as the President said in that same statement on June 30, he said we will conduct with the approval of the Cambodian Government-- I am paraphrasing this--air operations against enemy forces as they move supplies and personnel through Cambodia towards South Vietnam and reestablish their sanctuary areas.

I don't want to get into a semantic problem here of what this mission is called, or that mission. I have always called it "air activities," "air support" as far as Cambodia is concerned, and I don't care to get into a question of semantics on that. We will use air power, and as long as I am serving in this job, I will recommend that we use air power to supplement the South Vietnamese forces, as far as the air campaign in South Vietnam, Laos and Cambodia. I think that that is done for very good reason. As I stated in my report to the President, first, to reduce American casualties and protect American lives as we continue to withdraw and reduce the American presence in Southeast Asia and particularly in Vietnam, secondly, as we continue to support the Vietnamization program and the success of that program is assured and as the Phase II of the Vietnamization program goes forward.

The South Vietnamese will be in a position, as the Cambodians will be in a better position. The South Vietnamese are acquiring the air capability, and the movement that we've made with the transport of over 300 helicopters in this last year, I think is significant progress. The progress we are making as far as the fixed wing aircraft is concerned is very good. But we are going to supplement as far as air power is concerned.

I don't want anyone to leave this with any misunderstanding. I have outlined that in the Congressional committee. I have this authority. It was spelled out clearly in the Congressional legislation which passed. The authors of the amendments would limit ground combat activities, which I support, and which I will see are limited to by this legislation and by the Department of Defense.

We will follow those Congressional guidelines as far as air and sea activities, the law is very clear that it is for air and sea activities or as far as protecting the Vietnamization program, the withdrawal, insuring withdrawal, all of those terms are written very clearly and clearly into the Congressional legislation which passed in the session of Congress. We will abide by those Congressional guidelines and we will abide within those Congressional guidelines today.

In the important field of technical assistance, the Agency for International Development focused its efforts increasingly on a limited number of key problems. Among these were the "second-generation" problems resulting from the "Green Revolution." Dramatically increased agricultural yields and new technology have in some instances contributed to shortages of facilities for storage, shipment and marketing and to rural unemployment. AID sought to assist in solving these problems in order to insure the ongoing success of this significant "Revolution." It also sponsored new research in important areas such as food production and family planning. A total of \$75 million was provided for the conduct of population programs, a rise of 64 percent over the previous year.

I am proud that our present foreign assistance program has achieved important successes in a field in which quick and dramatic successes are few. Development assistance, however slow its results, is an important means of cooperating with the lower income nations to help them solve their most critical problems—those of improving the quality of life of their citizens. By creating a community of nations working together to solve the problems of humanity rather than adding to them, through war and civil strife, it clearly serves a major national interest. Our new program will be designed to meet the new needs of a new decade and thereby permit us to pursue that interest more effectively, in a way which insures our being increasingly responsive to the needs of the peoples of the developing world. It will, I believe, be recognized by our people as a proud American investment in the future of all mankind, and therefore in a better world for future generations of Americans.

RICHARD NIXON

The White House
February 17, 1971

NOTE: The message is printed in "The Foreign Assistance Program, Annual Report to the Congress, Fiscal Year 1970" (Government Printing Office, 82 pages).

THE PRESIDENT'S NEWS CONFERENCE OF FEBRUARY 17, 1971

THE PRESIDENT. We'll make this on the record today.

The mike is for the purpose of a transcription which will be available, I think, rather soon after we complete the conference because it will be run simultaneously by the stenographers.

Any questions which you want to ask?

SOUTHEAST ASIA

Q. Mr. President, the next logical step in Southeast Asia would seem to be South Vietnamese forces moving into the southern part of North Vietnam for the same reasons that they moved into the Laotian panhandle.

Would our policy rule out support for this type of move, air support for it?

THE PRESIDENT. Well, I won't speculate on what South Vietnam may decide to do with regard to a possible incursion into North Vietnam in order to defend their national security. However, I will restate our policy. I stated that policy on November 3d [1969] and have restated it at least nine different times publicly since that time.

I stated then that at a time we are withdrawing our forces that if I found that the enemy was stepping up its activity through infiltration in a way that would threaten our remaining forces that I would take strong action to deal with the new situation.

On December 10 [1970], as you recall, I reiterated that statement and said that this action would include the use of airpower against the infiltration routes, military complex supply depots.

That is our policy, the policy of the President taking action if he finds that the North Vietnamese are undertaking actions which threaten our remaining forces in South Vietnam.

③ Q. Mr. President, under that guide, is there any limit to what we might do to protect our forces in South Vietnam?

THE PRESIDENT. We have indicated several limits. For example, we are not going to use ground forces in Laos. We are not going to use advisers in Laos with the South Vietnamese forces. We are not going to use ground forces in Cambodia or advisers in Cambodia as we have previously indicated and we have no intention, of course, of using ground forces in North Vietnam. Those are limitations.

Q. I had reference to our use of airpower.

THE PRESIDENT. I'm not going to place any limitation upon the use of airpower except, of course, to rule out a rather ridiculous suggestion that is made from time to time—I think the latest by Hans Morgenthau—that our airpower might include the use of tactical nuclear weapons.

As you know, Mr. Lisagor, this has been speculated on for a period of 5 years and I have said for a period of 5 years that this is not an area where the use of nuclear weapons, in any form, is either needed or would be wise.

As far as our airpower is concerned, it will be directed against—and I ought to be as precise as I was on December 10—against those military activities which I determine are directed against and thereby threaten our remaining forces in South Vietnam.

Q. Can you tell us, sir—the idea of an incursion into Laos has been under consideration in Saigon on the military level for some years. Why did you decide that now is the time to do it? And second, can you give us some kind of a status report on how it's going and what the prognosis is in terms of the possible enemy resistance what is it the intelligence suggests?

THE PRESIDENT. Yes. In looking at this situation, I recall, as probably some of you who were there, in 1963

AIR OPERATIONS & POLICY - Sanctuary Operations

NAME: Melvin R. Laird, Secretary of Defense
 OCCASION: Statement before the Senate and House Armed Services
 Committees
 DATE: February 9, 1971

It was the unanimous conclusion of the Commander in Chief, the Secretary of State, and myself that we should use whatever air power is necessary to assist the South Vietnamese in their ground operations against sanctuary areas in both Cambodia and Laos, while at the same time precluding the use of American ground combat troops or advisors in these operations.

NAME: Adm. Thomas H. Moorer, Chairman of the JCS
 OCCASION: The Alabama Conference on Citizenship, Montgomery, Ala.
 DATE: March 1, 1971

We now have another operation in progress in Southern Laos. This operation is being conducted against the one remaining major supply route which the enemy has to sustain his forces -- the Ho Chi Minh Trail. This ground operation has been planned and is being conducted solely by the South Vietnamese. There are no U. S. ground forces, no U. S. military advisers in the area of operation in Laos.

The progress made in Vietnamization and the confidence and professional competence that has been developed within the South Vietnamese military forces have now made it possible for that nation to conduct operations such as this without U. S. ground force participation. The extent of U. S. involvement is to provide helicopter resupply and troop support, tactical air support, and long-range artillery support from South Vietnam. The objectives of the operation are to move into this enemy supply route, destroy his warehouses, caves, and storage facilities, capture or destroy his materiel in the area, and generally interdict and disrupt his resupply efforts.

Here again our use of air power in support of the South Vietnamese is in accord with the Nixon Doctrine and is linked directly to our Vietnamization objectives. I am of the firm opinion that any restriction in our use of air power in Laos, Cambodia, or Vietnam would cause a stretchout in the time required for the South Vietnamese and the Cambodians to fully develop their defenses. This, in turn, would stretch out the time required to achieve Vietnamization and disengage U. S. forces.

credibility gap, and the Gallup Poll said, too, that 7 out of 10 Americans don't believe what the administration is saying.

How did this diminution of belief come about and what do you intend to do about it?

THE PRESIDENT. Well, I think first, Mr. Smith, with regard to what you call the credibility gap, that many observers, in fact, I think I even recall something you said at one time, have pointed out that Presidents, particularly when they have difficult problems in foreign affairs, inevitably are going to acquire some credibility gap. This was true of Woodrow Wilson. I remember my mother voted for him because it was thought that if that was the case, if he became President, that he kept us out of war.

And you'll remember Franklin D. Roosevelt once made the statement in a speech before World War II, "I will not send your sons to fight on foreign shores." I think both Wilson and Franklin D. Roosevelt meant exactly what they said. They were not lying to the American people.

On the other hand, the great events made it necessary for them each to take the Nation into war.

Now, in my case, I found the Nation in war. I found it with 550,000 Americans abroad, with our casualties running at over 300 a week, with no plans to bring them home, with no plans to end the war or end America's involvement in it in a way that would allow South Vietnam to survive as an independent entity.

And I have taken the Nation quite a way since then. When I say I have, I shouldn't use that in such a, shall we say, an arrogant fashion. I mean we have done that. We have done it with the assistance of many Democrats as well as Republicans in the House and Senate and, of course, of our fighting men abroad.

Now we are reaching the key point—the key point when we see that we are ending America's involvement in a war that has been the longest, the most bitter, the most difficult war in our Nation's history.

And once we go over that hump, once the American people are convinced that the plans that have taken so long to implement have come into effect, then I think the credibility gap will rapidly disappear.

It is the events that cause the credibility gap, not the fact that a President deliberately lies or misleads the people. That's my opinion.

MR. SMITH. May I cite some cases to you that are cited in the press of credibility gap and ask for your comments on them?

First of all, in a speech you made on television after the Cambodian affair, you said American airpower would not be used in support of combat operations in Cambodia henceforth and, in fact, they were, in the battle for Highway 4 to Kompong Som.

THE PRESIDENT. Well, I also said, however, at that time, that I would use American airpower any place in North Vietnam, or in the Southeast Asian area, where I

found that it would be necessary for the purpose of protecting American forces in South Vietnam.

Now, my decision with regard to the use of American airpower, whether it is against North Vietnam—there was a strike there yesterday, as you know, against some SAM sites which had been shooting at some of our reconnaissance planes—whether that airpower is used, as it has been used, in Laos, for the purpose of supporting the South Vietnamese in their efforts to blunt the North Vietnamese attack, which would be, thereby, launched against the South and against Americans, eventually, or whether it was used in Cambodia, the primary purpose was not for the assistance, for the purpose of assisting the South Vietnamese, not for the purpose of assisting the Cambodians, but the purpose was, and the justification was, and must always be, the defense of American forces in South Vietnam.

And as Commander in Chief, I had that responsibility. I had met it and I believe this is correct.

MR. SMITH. Sir, another case, the other day I think in your press conference you said that Communist traffic on the Ho Chi Minh Trail had been cut by 55 percent. Now the same day, the UPI quoted the military command in Saigon as saying it had been cut only 20 percent, which was quite a drastic difference. Can you match those—

THE PRESIDENT. Oh, yes. The military commander in Saigon was actually completely correct and so was I. We were talking about two different things. You see, there is traffic on the Ho Chi Minh Trail north of the area around Tchepone, where the operation of the South Vietnamese was taking place. There is traffic south of the area of Tchepone.

Now, as far as the traffic coming down the trail to Tchepone, where the battle was taking place between the South Vietnamese forces and the North Vietnamese forces, that traffic actually was very greatly increased. But as far as the traffic south of Tchepone was concerned, that traffic was substantially reduced.

As a matter of fact, I have since found that 55 percent, my estimate, was too low—that actually the traffic had been cut more than that. I would say that perhaps 75 percent of the traffic has been cut south, at that time, south of the area of the fighting.

And it, of course, stands to good reason why. Because the units fighting—the North Vietnamese fighting in that area against the South Vietnamese—they needed those supplies, they needed the trucks, they needed all the other things that normally would go south. And they chewed them up.

MR. SMITH. Now, you also said that the Laos operation showed the South Vietnamese could hack it by themselves.

Now, that seems partly so, but it has to be added that they do that to that degree only with tremendous U.S. air support, 40,000 helicopter sorties, against an adversary that has no airpower at all. And that is cited as a case of overstatement.

But whatever we do to increase supplies can be overwhelmed unless we also keep the expansion of demand within sustainable limits. That is why we must sternly resist not only wasteful Government spending, but even worthwhile Government spending that we cannot afford. The battle against higher prices begins with the battle of the Federal budget. I will, therefore, continue to support every move to maintain fiscal responsibility and to resist every move to abandon it.

The Federal Reserve's policy of monetary restraint is also essential in checking inflation. In the short run, this policy may have the effect of raising interest rates. But it is better to have higher interest rates for a while than it would be to have more inflation and, as a consequence, to have higher interest rates forever.

The object of our policies is not simply to have low prices. We could have low prices and nothing to buy at those prices. The object is to have reasonable prices and also an abundant supply of goods we can buy. The object is to maintain a stable prosperity at a sustainable rate of growth, so that we can enjoy an increasing abundance with job security. The object is to manage the price and wage control system forcefully, but with the goal of getting out of the controls business, rather than getting permanently enmeshed in it.

The road to full prosperity, without war and without inflation—something that we have not had in the United States since President Eisenhower was President—is not easy. All of us who have lived through the past 10 years know this very well. But I believe that the American people are determined to reach that goal. And I am determined to use all the means of Government to help us get there.

NOTE: The President recorded the address for broadcast on radio at 12 noon, e.d.t., on Sunday, July 1, 1973.

As printed above, this item follows the text of the White House press release.

Air Activities Over Cambodia

Statement by the President on Signing Second Supplemental and Continuing Appropriations Bills. July 1, 1973

I have today signed H.R. 9055, the second supplemental appropriation for fiscal year 1973, and H.J. Res. 636, the continuing joint resolution.

Last week I was compelled to veto the original supplemental bill because of my grave concern that enactment of the rider then attached to it, calling for an immediate halt to all air activity over Cambodia, would have led to a destructive series of events. As I indicated then, such a precipitous step would have crippled or destroyed the chances for achieving a negotiated settlement in Cam-

bodia. The stability of Southeast Asia would have been threatened, and we would have suffered a tragic setback in our efforts to create a lasting structure of peace.

The conclusion of a responsible settlement in Indochina has been and remains a matter of the greatest urgency. All but one of the major elements of that peace are now in place, forged against the will of a determined enemy by the sacrifice and courage of countless men and women, by our perseverance in protracted negotiations, and by the effectiveness and the deterrent of American military power. The last remaining element of the peace in Southeast Asia is a stable Cambodian settlement. I believe that settlement can be secured so long as we maintain reasonable flexibility in our policies, and essential air support is not withdrawn unilaterally while delicate negotiations are still underway.

A sudden bombing halt, however, would not have brought us the lasting peace that we all desire. As President, charged by our Constitution with responsibility for conducting our foreign policy and negotiating an end to our conflicts, I will continue to take the responsible actions necessary to win that peace. Should further actions be required to that end later this year, I shall request the Congress to help us achieve our objectives.

NOTE: The two bills were approved by the President on July 1, 1973, as follows:

H.R. 9055, Second Supplemental Appropriations Act, 1973—Public Law 93-50

H.J. Res. 636, joint resolution making continuing appropriations for the fiscal year 1974—Public Law 93-52

The statement was released at San Clemente, Calif.

National Student Government Day

Proclamation 4228. July 2, 1973

*By the President of the United States of America
a Proclamation*

Fundamental to the American educational ideal is the sense that our schools should be not only centers of learning but also laboratories for democracy. From the primary grades all the way up through the graduate departments of our universities, various forms of self-government and independent decision-making have become an increasingly important factor in the educational process.

Student councils and similar organizations provide students with an opportunity to work together for common purposes, select leaders from among their peers, and deal responsibly with faculty and administrators in their schools. Such opportunities are helping to teach the basic skills of citizenship and to develop the qualities of leadership in the young people who take part. By enhancing the self-respect of students and the mutual respect among

BOMBING IN CAMBODIA

WEDNESDAY, AUGUST 8, 1973

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C.

The committee met, pursuant to recess, at 2 p.m., in room 235, Richard B. Russell Senate Office Building, Hon. Stuart Symington (acting chairman).

Present: Senators Symington (presiding), Hughes, and Thurmond. Also present: John T. Ticer, chief clerk, John A. Goldsmith, and Robert Q. Old, professional staff members; Jane L. Upson, clerical assistant, and Katherine Nelson, assistant to Senator Symington.

Senator SYMINGTON. The hearing will come to order:

General Abrams, will you raise your right hand? Do you swear the testimony you give this committee will be the truth, the whole truth and nothing but the truth, so help you God?

General ABRAMS. I do.

TESTIMONY OF GEN. CREIGHTON W. ABRAMS

Senator SYMINGTON. I welcome you to this hearing. As you know, we have been trying to get into the details of the Cambodian bombing, much of which was unknown to the committee until fairly recently. I would like to ask you some questions about that. And we will observe the 10-minute rule.

Did you, as MACV, join Admiral McCain, as CINCPAC, in asking the Joint Chiefs of Staff to approve B-52 raids in the Cambodia border area early in February 1969?

General ABRAMS. I did.

Senator SYMINGTON. As field commander in Vietnam, what rationale did you use to support that request?

General ABRAMS. At that period in time the enemy had prepared, and in February launched, a major offensive as part of the whole series that began with Tet of 1968.

After the bombing halt in November of 1968, he redoubled his efforts in moving supplies down. He had moved across the DMZ in violation of the understandings as they were reported. By our estimate about 60 percent of his replacements were on their way to the combat area of Cambodia and Vietnam. The policy was already under consideration for Vietnamization, which led to U.S. withdrawals and turning over ground combat to the RVNAF. So these sanctuaries in Cambodia were a serious threat to our forces, and to the South Vietnamese forces. Our intelligence about the use of those sanctuaries by the enemy was quite clear and convincing. And I felt that it was urgent from a purely military viewpoint that these sanctuaries be attacked.

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In early January 1969, President Thieu publicly stated that planning for withdrawal of some U.S. troops was about to start, adding that detailed plans would be developed by General Vien, Chief of the South Vietnamese General Staff, together with me.

On January 21, 1969, President Nixon directed me, through Secretary Laird, to review the situation in South Vietnam and to provide my assessment before February 10, 1969. On January 28, 1969, I was directed by the Chairman, Joint Chiefs of Staff, acting on instructions from Secretary Laird, to discuss U.S. troop reductions with the South Vietnamese in conjunction with increasing RVNAF capabilities. At this point it was clear to me that reductions would occur—it was only a question of how many and when.

As I stated earlier, Secretary Laird visited South Vietnam from March 5 to 12, 1969. During his visit the subject of troop withdrawals was extensively discussed. On his return to the United States, Secretary Laird recommended to the President that 50-70,000 U.S. troops be redeployed during 1969. On June 8, 1969, President Nixon announced his decision to withdraw 25,000 troops before August 31, 1969. Another 40,000 were withdrawn by the end of the year.

Senator HUGHES. That will be fine. Will you furnish it to the committee, then?

I do not know whether you have had a chance to see it or not. Columnist Joe Alsop had a column in the paper today that said it was General Abrams who informed President Nixon about Prince Sihanouk's willingness to allow American bombing in Cambodia. Is Mr. Alsop correct in that?

General ABRAMS. No, sir.

Senator HUGHES. He is not correct?

General ABRAMS. No, sir.

Senator HUGHES. Did you at any time get information from Prince Sihanouk that he would tolerate bombing in Cambodia willingly?

General ABRAMS. No, sir. I have read all those things. Where I was I did not know those things.

Senator HUGHES. You were not involved in international diplomacy, you were fighting a war, is that not right?

General ABRAMS. That is right, and that was not in my department. As a matter of fact, I think most people find it preferable if we do not stick our fingers in that sort of thing.

Senator HUGHES. General, I can understand and agree with that 100 percent. I am just trying to verify or disprove a statement that was called to my attention.

General ABRAMS. Yes, sir.

Senator HUGHES. My time is up, Mr. Chairman. I thank you very much.

Senator SYMINGTON. Thank you, Senator.

General ABRAMS, in testimony to General Wheeler I asked:

If you were on the golf course at some informal time and the Secretary of the Air Force had said to you, somebody told me you were bombing in Cambodia, is that correct, what would you have said?

And the reply from General Wheeler:

If the Secretary of the Air Force had said that to me?

Senator SYMINGTON. Had asked you.

General WHEELER. I am afraid I would have said, I do not know anything about it, Mr. Secretary.

Senator SYMINGTON. Even though you did know all about it?

General WHEELER. Yes, sir.

Then General Ryan testified that even when he was Vice Chief of Staff of the Air Force, that he was not told about this bombing until

Senator HUGHES. I would like to know whether President Johnson received a similar request and declined it. This is to strike Cambodian targets.

Answer:

Similar recommendations to attack Cambodian sanctuaries were forwarded by COMUSMACV and provided to President Johnson in late 1967, and again several months later in 1968. In the light of the prevailing political and economic environment, the President did not approve the operation for execution at that time.

Twice the requests were made of President Johnson and refused by President Johnson, is that correct?

Admiral MOORE. In these two periods of time, the subject was brought up, as I understand, Senator Hughes, and he did turn it down. As you recall, in November of 1968 he made an agreement with the North Vietnamese to cease all bombing in North Vietnam if they would go to negotiation, and if they would refrain from shelling cities, and so on. They never did negotiate or refrain from shelling cities; but, nevertheless, it is true that authority was requested by the commanders in the field, and it was turned down—that is right. In other words, the matter of striking these sanctuaries was under discussion for a long time. However, when the bombing ceased, and when the policy decision was made by President Nixon to withdraw the forces—

Senator HUGHES. When was that policy decision made to withdraw forces?

Admiral MOORE. That was made right after he came into office.

Senator HUGHES. General, did you tell me specifically what the date was when that decision was finally arrived at?

Admiral MOORE. No, sir. But it was incident to both the bombing and the cross-border operations. At that time, of course, the sanctuary areas continued to grow in terms of the overall threat to our forces. And we were losing 250 men a week or so. Consequently, a decision was made to strike the sanctuaries.

Senator HUGHES. I would like to ascertain that if we can. If you have facts that can indicate when the decision was made specifically, it would help.

Senator SYMINGTON. The Senator's time is up. And I yield him my time. Go ahead.

Make your answers as short as possible.

Senator HUGHES. It would help if you could furnish for the record when that decision was arrived at to draw down the troops.

Admiral MOORE. I will try to do that. I can give you a period if I can't give you a precise date—I don't think it was a matter of striking a certain specific date, but a certain month, or something like that.

[The information follows:]

In mid 1968 the RVNAF improvement and modernization program was launched in an effort to allow the RVNAF to eventually assume the combat role in SVN. President Thieu, in a New Year's address on 1 January 1969, mentioned the prospect of a reduced US combat role in SVN. On 15 January, GVN initiated discussions with Ambassador Bunker concerning early US consideration of RVNAF "relieving" a limited number of US and Allied Forces during 1969. These discussions were not pursued at that time because of concern over a possible Tet offensive by the enemy expected in early February. On 21 January 1969, President Nixon, immediately after taking office, directed the Secretary of State, the Sec-

etary of Defense, the Director of CIA, the JCS, and COMUSMACV to review the situation in Vietnam and report back to him by 10 February 1969. On 28 January 1969, CJCS, acting on instructions from the Secretary of Defense, authorized COMUSMACV to continue the discussions with GVN on related US troop reductions in SVN previously halted. Secretary Laird visited SVN 5-12 March 1969 and while in SVN, he advised military commanders that the combat burden had to be shifted to RVNAF "promptly and methodically." Upon his return he recommended to the President that 50-70,000 US troops be redeployed from SVN during 1969 and that plans for further reductions in the following years be made. On 1 April 1969, the President directed a study to establish a specific phased time-table for Vietnamizing the war. On 8 June 1969, the President publicly announced the decision on US force withdrawals—the first increment, 25,000 authorized spaces, to be withdrawn by 31 August 1969.

Mr. CLEMENTS. Senator Hughes, may I comment on the order about President Johnson, and the request?

Senator HUGHES. I intend to go back to that. But I was trying to follow through on something he just said.

Go ahead.

Mr. CLEMENTS. My comment is that the staff informs me that there is evidence in the file that the order was not in fact rejected or out of hand, turned down, if you will; it was held in abeyance. There is a difference, and I would just like to make that difference.

Senator HUGHES. There is a technical difference, I agree with you. The fact remains that no bombing took place.

Mr. CLEMENTS. That is right, it was held in abeyance.

Senator HUGHES. No cross-border operations other than intelligence operations in which special forces were engaged; is that correct?

Admiral MOORER. Yes, sir, with the exception—yes, your statement is correct.

Senator HUGHES. You started to say with the exception of; I would like to know with the exception of what. You have aroused my curiosity.

Admiral MOORER. There was an operation called DEWEY CANYON, I think, conducted by the Marines, which penetrated 2,000 meters into the Laos border to protect their flanks and that was an operation that was conducted the 22d of January 1969.

Senator HUGHES. Was that by special order of the President also? Wouldn't you have had to have a special order?

Admiral MOORER. Yes, sir. I think it was approved at the Washington level. I will have to check on that, sir, to see if we can dig that out. But I wanted to be sure that you had all the information. This was an operation conducted along the Lao border by the U.S. 9th Marines, which did, to protect this flank, penetrate up to 2,000 meters. That is about 1 mile.

[The information follows:]

DEWEY CANYON (originally called DAWSON RIVER SOUTH) was not initiated with the intention of entering the territory of Laos (Operations Order with photostatic copy of applicable maps attached). However, when enemy fire and maneuver endangered the regimental right flank from Laos, immediate tactical countermeasures were taken in accordance with authority issued on 13 February 1968 by the Chairman, Joint Chiefs of Staff, after approval by the Secretary of Defense and concurrence by the Department of State. This authority permitted U.S. forces to take necessary counteractions in the exercise of the right of self-defense against enemy attacks from locations inside Laos. Maneuver inside Laos was specifically authorized while engaged with the enemy force, as necessary, for the preservation of the force.

Forces launched a series of mortar and rocket attacks on some 115 targets in South Vietnam, including Saigon, Danang, Hue, and the U.S. base at Bien Hoa.

In Military Region III, the enemy had initiated a "post-Tet" offensive employing 4 divisions and 24 regiments. Between 25,000 and 30,000 enemy combat personnel were attacking in the area bordering Cambodia. A drawdown of U.S. personnel had been directed. These enemy forces represented a significant threat to U.S. forces. American lives were in danger.

Is that the situation that confronted the American men fighting there?

General WHEELER. That is correct, sir.

Senator THURMOND. In other words, a drawdown of U.S. personnel had been directed, but their lives were in danger?

General WHEELER. That is correct, sir.

Senator THURMOND. So the field commanders, as I understand, had requested permission to conduct these air attacks in order to save American lives?

General WHEELER. That is correct, sir.

Senator THURMOND. As a member of the Joint Chiefs of Staff under those circumstances would you and did you recommend that that be achieved?

General WHEELER. I did, sir.

Senator THURMOND. In looking back over it now, do you feel that was a wise decision to save American lives?

General WHEELER. I believe so, Senator.

As a matter of fact, during our bombing campaign the casualties which had been running about 250 a week dropped to about half that number. And they continued to decline through the rest of the year.

Senator THURMOND. Here you have got four divisions and 24 regiments, 25,000 or 30,000 enemy troops just over the Cambodian border within 10 miles, as I understand it, at the border, there, that are killing American men. The Americans have been given orders to withdraw. It was unsafe for them to withdraw, they were being killed when they did withdraw. So what I understand the situation was, the purpose of the field commander was to save American lives, and the purpose of it was not to invade the territory of another nation?

General WHEELER. That is correct, sir.

Senator THURMOND. I understand further that Prince Sihanouk, although he will deny it publicly, did give his approval for the Americans to do that?

General WHEELER. I understand that Prince Sihanouk acquiesced in the strikes. I think the proof of this is that he certainly knew they were going on.

He had complained bitterly on certain occasions in the past of South Vietnam and/or American fighter bombers penetrating Cambodian airspace. He made no complaint, however. He received Presidential emissaries; among them, I believe, Senator Mansfield. Later on we reestablished diplomatic relations between Sihanouk's government and ourselves.

All this indicates to me that he was satisfied with what was going on.

I might add that it seems to me that the question of invading Cambodia or violating Cambodian territory is somewhat academic, because it was really in the hands of the North Vietnamese.

The Cambodians didn't have it.

I said, Senator—not to be too long winded—that your diplomatic efforts to get Sihanouk to expel the enemy have been ineffective. With

He told me how the operations of the U.S. forces developed gradually as a response to the gradual buildup of North Vietnamese forces in the sanctuary on Cambodian territory. These sanctuaries were violations of Cambodian sovereignty, but Cambodia could do nothing about it.

Prince Sihanouk acquiesced in the U.S. operations there because they hoped to control North Vietnamese activity. The secrecy involved was necessary because of the political environment in the very complex position created by the incursion of North Vietnamese forces. It is obvious that Sihanouk could not officially approve of such actions, but it is equally obvious that he welcomed them. Secrecy was the only condition under which Sihanouk could look the other way. He could not permit them to be carried on out in the open, because of the diplomatic situation. But as long as secrecy was maintained, he could allow the United States to continue. Without U.S. operations, there could have been no restraints whatsoever on the North Vietnamese—incursions in Cambodia.

I would also like to point out that the Ambassador told me that the small reconnaissance ground forces were used only for targeting and pinpointing the location of the enemy's sanctuaries. As long as Cambodian officials were excluded from the areas held by the North Vietnamese, Cambodia had no means of knowing what was happening there. Reconnaissance was essential to the bombing actions. The secrecy involved was necessary, not to deceive the Congress, but so as not to compromise the confidentiality of the political situation involving Cambodia and other countries.

That is my statement, Mr. Chairman. And I shall now read the letter from the Ambassador to me dated today.

DEAR SENATOR THURMOND: Thank you very much for the opportunity to discuss my country's problems with you today in your office.

I am very pleased that you have so much concern and understanding of Cambodian affairs. In the course of our discussion you touched upon the very complex historical background of the situation Cambodia is in today.

As you know, this situation developed gradually in the context of the whole political-military engagement in Indochina. In the early sixties, North Vietnamese military forces began violating Cambodian borders and territory, creating sanctuaries in support of their military operations in South Vietnam. These violations of the 1954 Geneva Agreements were gradually expanding deeper into Cambodian territory and increasing in size to the extent that Cambodian citizens and government representatives were excluded from certain areas of their own country. In 1969, even Prince Sihanouk, who was then Chief of State, was prevented from inspecting these areas.

Under these circumstances, if military interactions took place in those territories, the Cambodian Government would hardly know about it, much less be able to intervene. We protested only when operations took place in areas populated by Cambodians. As a result, the United States accepted responsibility for such actions and paid for the damages incurred.

Recognizing the complexity of the situation and its extreme political delicacy, Prince Sihanouk himself chose not to make an issue of it, as long as the operations were conducted secretly, and did not affect Cambodian citizens. These two conditions were necessary so as not to embarrass him at home, and in his relations with other governments.

The Cambodian people are deeply convinced of the value of American friendship and good will, and trust that America will help us to find the way out of the tragic situation which is now prevailing in our area.

Sincerely yours,

UM SIN, Ambassador.

namese. They were illegally in Cambodia. The Chief of State of Cambodia acquiesced in these strikes. I personally do not feel, when the Chief of State of a sovereign country acquiesces in military operations in his country, that it constitutes a violation of his sovereignty.

So what we had, then, in terms of the reporting, was a system which was designed to protect Sihanouk, in this case, a system which did not in any way inhibit the large-scale management from a logistic point of view, and at the same time, provided a second channel of reporting, which kept those in the planning and operational channel fully informed of what was going on. So, I do not accept the fact that the reports were falsified. The reports were made in such a way as to permit the conduct of the operation in a most effective way to remove the threat to American lives. That is what it was all about.

Let me say just one more thing.

Senator SYMINGTON. Will you yield for a minute right there, because I want to be sure that we understand each other.

If you had come to the Congress and said, we need to do this in order to protect American lives—we have heard over and over again justification for this policy, with the premise that it was in order to protect the American lives. And everybody wants to protect American lives.

Admiral MOORE. That is right.

Senator SYMINGTON. I will not get into the best way to protect them. We are going to get into that later on, because we are going to get out of there apparently by order of the Congress. But if it was right to protect the American lives, why did you not tell us about it and justify it, why did we have to rely on false information, why does the Secretary of the Air Force have to come before this committee and say, he deeply regrets and is ashamed of the fact that he did not give us accurate information because he himself was misinformed? Why, when I asked the former Chairman of the Joint Chiefs, "If you were on the golf course with the Secretary of the Air Force and he said to you, I understand that you are using my B-52s and bombing in Cambodia, what would you have said?"

And the former Chairman of the Joint Chiefs said, "I would have told him that I knew nothing about it."

And I said, "Even though you were directing that operation?"

And he said, "Yes."

I do not question the right to protect American lives. I think if you are going to draft these boys and send them out there to fight for the United States it is your duty to protect American lives. But why do you have to keep it secret, why do you have to have a foreign correspondent discover it and tell it to American correspondents, and the proper committees of the Senate get it back in that fashion, instead of coming up here and saying we have adopted this policy, and these are the reasons why? That is what we are talking about this morning, not your right and desire to protect American lives.

Admiral MOORE. Mr. Chairman, you have asked me so many questions I do not know which one to answer first.

Senator SYMINGTON. Just one. Why did you keep the information from the Congress when everybody out there knew about it, and retired honorable Americans come back in this country, get out of the service and so testify?

Admiral MOORE. It was an effort to maintain security in order to protect lives, and in order to not generate diplomatic difficulties between the chiefs of adjacent states. And it was considered that this was the best way of doing it, Senator Thurmond. As I reported awhile ago, so far as the Cambodian bombing was concerned, it was part and parcel of the overall policy decision to ultimately withdraw the 550,000 men from Southeast Asia.

Senator THURMOND. There has been something said here about Cambodian neutrality, the sovereign rights of Cambodia. As a matter of fact, General Wheeler testified that Mr. Sihanouk acquiesced in what was done. So how was there any violation of sovereignty when the head of the nation agrees to it. Yet, he could not agree to it openly because of the situation there at the moment. I have a letter which I put in the record yesterday from the Ambassador of Cambodia that sets out this situation. I do not know whether you have seen a copy of it or not. In other words, the enemy was in Cambodia killing American men, and it was determined to bomb across the line there to stop that if we could, which was the only sensible thing a military commander would want to do. The military field commanders requested that authority through the Secretary of Defense, and they even went to the President and got his permission, passed the order down to maintain as much secrecy as possible to prevent the operation from being known. What is wrong with that?

Admiral MOORE. There is nothing wrong with it, Senator Thurmond.

Senator THURMOND. I think these hearings are a lot of hullabaloo. I have hesitated saying that up to this point. If you want to get the right people here, Mr. Chairman, you get the Secretary of Defense here, the civilian that gave these orders on the order of the President of the United States, and not try to embarrass these military people in uniform.

Admiral MOORE. Thank you, Senator Thurmond.

I would like to point out one other thing. Not only did Sihanouk acquiesce, but during the time that these bombing operations were taking place against the North Vietnamese who were in Cambodia in direct violation of the sovereignty, if anyone were violating sovereignty, it was the North Vietnamese, not the United States. During the time that these bombing operations were taking place, it is true that the relations between the United States and Cambodia actually improved. The operation of our Embassy in Phnom Penh was somewhat expanded, and people visited Phnom Penh. I believe Senator Mansfield visited at that time. So, there was no objection on the part of the Chief of State of Cambodia to these operations. In that sense, I do not personally feel that it constitutes a violation of their sovereignty.

Senator THURMOND. Is it not a fact that the enemy had taken over a large part of Cambodia, and Mr. Sihanouk himself could not stop it and could not control it? If he could have controlled it he would have done so and kept them out, I understand, but he could not do so. Not only was it with acquiescence, but probably with some joy that our troops did bomb there to try to stem the tide of the enemy there who were killing Americans.

Admiral MOORE. Yes, sir.

notion that the territory that was occupied by the North Vietnamese in Cambodia really was not Cambodian territory in that sense, because the Cambodians had taken the position that they did not know what was going on there, had become so firmly fixed in everybody's mind that this must be the psychological basis for that statement.

REASON BOMBING INFORMATION WAS WITHHELD

Senator McGOVERN. Dr. Kissinger, what was the reason then? I know that you touched on this, but I am really not clear in my own mind yet as to the real reason why this information on the bombing was withheld both from the Congress and the American people. Do you find any constitutional authority for ordering American bombers into what the President had himself described as a neutral country, without informing the Congress or getting the authorization of the Congress for that action?

Mr. KISSINGER. Senator, as I pointed out in response to earlier questions, we were faced here with a situation in which the North Vietnamese for years had been using Cambodia as a corridor for supplies. For years they had been using sanctuary areas right across the frontier from which they were staging operations against American forces and into which they then withdrew. It has always been considered axiomatic in international law that neutral countries have an obligation to prevent the use of their territory for hostile actions against other countries. And, therefore, the principle that one belligerent has a right to use neutral territory while the other belligerent has no right—in the very limited areas that we are talking about, which were within a distance of some 10 miles from the frontier—to attack the forces of a third country that had invaded that neutral territory, and only those forces, the legal issue or for that matter the moral issue is at least not self-evident.

Second, we had a situation here in which the government of that country was either acquiescing or inviting this sort of pressure as a means of evicting these invading forces from its territory.

Senator McGOVERN. They were inviting what?

Mr. KISSINGER. They were at a minimum acquiescing in the bombing because it was in their power to protest at any point, which they never did.

Senator McGOVERN. But the Congress was not acquiescing.

Mr. KISSINGER. No.

Senator McGOVERN. We had no knowledge of it.

Mr. KISSINGER. No. The reason that it was not made public was to avoid a situation in which Prince Sihanouk would have to make a formal protest; we would then have been faced with a situation of terminating the attacks or formally spreading the war into Cambodia. You asked me for the rationale of why it was kept secret, and this is the reason that led to its being kept secret.

Senator McGOVERN. I have heard that explanation, but Prince Sihanouk has repeatedly said that that is not the truth, and that, as a matter of fact, he did protest to the U.N. and to the international community against such bombing.

Mr. KISSINGER. Why don't I supply to the committee, Senator, some of the communications of Prince Sihanouk to us during this period,

made that statement on October 26, I thought the process would be even more rapid.

But let me explain the circumstances of the statement of October 26:

We had concluded an agreement which in its main outlines seemed satisfactory to us and we had agreed tentatively to certain schedules of implementation, schedules which could then not be met for a variety of reasons, including the violation of the secrecy of the negotiations by the North Vietnamese and the opposition of the South Vietnamese Government.

When I stepped up on that press podium on October 26, my primary concern was to salvage the agreement. It was the first official communication that we could make after the North Vietnamese had disclosed the contents of the negotiation, and my primary concern was to convey to them that, despite the opposition of Saigon, the basic principles of the agreement would be maintained. And, therefore, I spelled them out, and said that we would remain committed to carrying out this agreement, in order not to create a circumstance in which the whole agreement would get reopened. I believe that this was one of the factors that made it possible to continue the momentum and to achieve the agreement—a little more slowly than I had hoped, but in any event, in a not unreasonable period of time.

Now, in the case of Prince Sihanouk, I would recommend, Senator, that you read a press conference that he gave on May 13, 1969, in which he was asked about the B-52 bombing—and I would be glad to supply it for the record—in which he said—and I am paraphrasing—

If a buffalo is killed or a Cambodian is killed, then I protest immediately. But in unoccupied parts of our country, the Americans are killing North Vietnamese, I do not object. The Americans will not admit it and the Vietnamese cannot protest.

He is in a difficult position. We have respect for him. We do not want to make his position more difficult. It is clear that it was in his power to stop it if he had protested, and he did not do so. But I can also understand why in his present position, where he is dependent more on his former opponents, he will take a different tack.

[The information referred to follows:]

PRINCE NORODOM SIHANOUK—PRESS CONFERENCE—MAY 13, 1969

(As reported by Foreign Broadcast Information Service)

SIHANOUK ON REJECTION OF U.S. RECONCILIATION—MAY 13 SPEECH

[Supplied by Executive Office of President]

Phnom Penh Domestic Service in Cambodia at 1050 GMT on May 13 carries a recording of a press conference given by Prince Sihanouk in Kompong Seila Province on May 13. Sihanouk begins by asking permission to speak in French. He then announces that he will deal with two problems—U.S.-Cambodian relations and relations between Cambodia and the Federal Republic of Germany.

Sihanouk complains that facts have been distorted in press agency dispatches on his press conferences. He reads a UP cable published in *Le Figaro* on the conference in which he rejected reconciliation with Washington and Bangkok. He says editing of his words by U.S. agencies is unjustified. "For instance, I said the Americans themselves changed, but their press jumped on this occasion to show that I am not consistent. For example, they said: At first Sihanouk demanded a formula declaring the recognition of his frontiers, and we satisfied him. Then he added that we must include Preah Vihear and so forth. They have deliberately and simply left out the (? hyphen) that explains Sihanouk's demand. (? my second request).

Admiral MOORER. Yes, I will try to.

He was referring to the strikes that are being considered in the paper that Mr. Clements gave you this morning; namely, the strikes in southern Laos. Subsequent to the time that the cover strikes for southern Laos targets were terminated, the MENU operation was initiated in 1969 for the strikes in Cambodia that we have been discussing. The requirement there then terminated shortly after the cross-border operations were begun on, I believe, the 30th of April 1970. Then, finally, in February 1970, the other set of cover targets for northern Laos around the Plaine des Jarres area were initiated, sir. So there were three major areas that were attacked; namely, those in Cambodia, those in northern Laos, and those in southern Laos.

Senator HUGHES. In other words, this whole procedure was dropped for a year and then reinstituted again?

Admiral MOORER. It was never reinstituted for the same area, sir. The first area that you are referring to, which was mentioned by General Ryan, is the Ho Chi Minh Trail area. It was never reinstituted in that area, sir. It was instituted for the MENU operations. That was terminated after the cross-border operations began. There were some other operations later on in Cambodia, and then also in the Plaine des Jarres area of northern Laos, there were cover targets set up.

Senator HUGHES. Admiral, can you tell me, then, why on earth we were doing this with TAC air bombing west of the Mekong River in that period? When they bombed west of the Mekong River they were using coordinates in another area of Cambodia close to the target, and I have never been able to figure out yet who they were trying to confuse by that.

Admiral MOORER. Sir, if I could relate the background, I can explain it to you, I think.

Of course, the Lon Nol Government had come into power. After the cross-border operations were terminated on June 30—that is when the U.S. forces went into Cambodia and then were withdrawn from the sanctuary areas—air operations continued in Cambodia because the North Vietnamese were continuing to infiltrate south along the Mekong, and down Highway 13, which runs north and south along the east side of the Mekong River.

Then the North Vietnamese deployed the elements of a division across the Mekong River and attacked Cambodian forces; and in addition to that, shifted their line of supply over to Highway 12, which was west of the Mekong. In late May 1970, operating authority was granted to conduct air interdiction as far as 200 meters west of the Mekong. Reporting under this authority was through regular channels. In the middle of June 1970, special operating authorities granted permission to strike west of this May 24, 1970, area under limited circumstances. Strikes under this authority were to be reported by special communications channels. This may be why they had cover targets.

Senator HUGHES. You were bombing in support of the Cambodians, then, west of the Mekong?

Admiral MOORER. We were bombing LOC's: that is, the supplies North Vietnamese were bringing down the river, some of them across the river and ultimately into South Vietnam. This was a general supply efforts of the North Vietnamese, which

had moved across the Mekong. As you may recall, Senator Hughes, the North Vietnamese actually attacked the town of Kompong Cham, which is right on the Mekong. That was the first operation that the South Vietnamese attempted operating a unit independently, in which they planned and conducted themselves against the North Vietnamese to assist the Cambodians. But our major effort west of the Mekong, which really didn't come about until maybe 2 or 3 months after the cross-border operation began in April, was against the North Vietnamese forces.

Senator HUGHES. I think it was something earlier than that on special orders, according to General Abrams yesterday.

Admiral MOORER. I will try to get the dates straight.

Senator HUGHES. There are two different sets—what was that code name?

Admiral MOORER. FREEDOM DEAL ALPHA, which was west of the Mekong was authorized in late August 1970.

Senator HUGHES. Right. But then there were special strikes in addition to Freedom Deal?

Admiral MOORER. Then FREEDOM DEAL EXTENSION, which was south, was fully authorized in early August 1970.

Senator HUGHES. But this was another one, there were special ordered strikes in addition to that which General Abrams testified to yesterday.

Admiral MOORER. Are you thinking about the PATIO strikes, sir?

Senator HUGHES. No, those were east of the Mekong.

Admiral MOORER. Yes, sir, they were right on the border, with a 1-day exception, yes.

Senator HUGHES. They started in May, and they went ahead into August, according to General Abrams in testimony yesterday, in which he said he got special orders, the coordinates were then given in that isolated area of Cambodia for those special strikes west of the Mekong. I am trying to determine where those orders came from and what they were, and they were not a part of the ALPHA program. According to General Abrams they were different, they were separate.

Mr. CLEMENTS. Could those have been special intelligence evaluation strikes?

Senator HUGHES. No. He said they were strikes—I named the times, the record would speak for itself, and naturally we don't have it back yet, so I can't recall it.

Admiral MOORER. I will check on that, sir. The ones I remember were the FREEDOM DEAL EXTENSION, the FREEDOM DEAL ALPHA and the FREEDOM DEAL. In addition, there was the special authority mentioned granted in the middle of June 1970.

Senator HUGHES. I am not talking about any of those three.

Admiral MOORER. I will verify that for the record, sir.

Senator HUGHES. The point is, Admiral, that Lon Nol had already taken over the Government, Sihanouk was gone, so there could no longer be any diplomatic question about what Sihanouk thought about the bombing. We were committed and yet we were falsifying documents and showing the bombing in another region of Cambodia. I want to know what in the way of security made that requirement necessary and why those special orders came down that way, who were we trying to conceal it from?

The assigned cover targets in Laos were used in the routine reports and were recorded in the automated data base. Special communication channel reports, however, gave the complete details on the targets struck and the bomb damage assessment to all those with a need-to-know. The automated data base has been updated to correctly reflect all of the 156 PATIO sorties with their correct target locations.

FREEDOM DEAL

The name for U.S. TACAIR operations in Cambodia beginning on June 30, 1970 was FREEDOM DEAL. The term FREEDOM DEAL designated an area generally east of the Mekong River in northeastern Cambodia within which the U.S. would conduct air interdiction operations in addition to the ongoing air support for U.S. ground forces inside South Vietnam and near the South Vietnam-Cambodia border. These air interdiction operations, following the withdrawal of U.S. ground forces from Cambodia at the end of June, 1970, were requested by the Cambodian Government, processed through MACV channels, and authorized by appropriate U.S. civilian authority. By August 23, 1970, the original FREEDOM DEAL area had been expanded southward approximately 50 miles and westward approximately 50 miles. Both of these expansions were designed to allow attack of enemy military targets which threatened the remaining and redeploying U.S. forces in South Vietnam.

Normal operational reporting was made on all U.S. air operations under the FREEDOM DEAL authority. An exception pertained to special authority, requested from the granted by appropriate U.S. civilian authorities, to employ U.S. air power in interdicting enemy supply lines and caches on the supply trails and river routes being used by the enemy, particularly in situations which involved a serious threat to any major Cambodian positions. Instruction in the field relating to the reporting of such operations which occurred outside the designated FREEDOM DEAL areas stipulated, as they had for the PATIO operations conducted earlier, that special security communications channels would be employed. The requirement to report these air strike data via special security communications channels presented difficulties for those field units not possessing the special communications equipment. This difficulty, coupled with the need to insure accurate statistical accounting of sorties flown, flying-hour utilization, and ordnance expenditures, apparently gave rise in the field to a system of attributed targets. As a result, authorized strikes conducted outside FREEDOM DEAL were reported in the data base as having been flown within the FREEDOM DEAL operating areas. Separate limited-distribution reports sent via the special security communications channels from field headquarters did, however, continue to reflect these special operations.

This dual reporting system used in the field was discovered in February, 1971, when duplicate data were received on an aircraft loss. The Seventh Air Force immediately directed the discontinuance of these attributed-target reporting procedures. Field reports indicated that of over 8,000 sorties flown in Cambodia between July, 1970, and February, 1971, approximately 44 percent or 3,634 sorties were flown outside the FREEDOM DEAL areas. The official data bases were reviewed at that time and updated as necessary to insure that correct sortie statistics were reflected. Inquiries to date have failed to disclose the source of the orders that effected the attribution of these sorties to the FREEDOM DEAL operating areas. It appears that the relevant directives were disposed of in the course of dissolution of MACV, establishment of the United States Support and Assistance Group (USSAG) and the displacement of the Seventh Air Force from Vietnam to Thailand in March of 1973.

On February 17, 1971, special reporting was discontinued and it was directed that all future reporting of these special air operations in Cambodia would be accomplished through normal reporting channels. Except for a brief two-week pause following the January, 1973, Vietnam ceasefire, U.S. air support in Cambodia continued at the request of the Cambodian Government, until the August 15, 1973, bombing halt. No further special air operations, such as MENU or PATIO, were conducted in Cambodia between February, 1971, and the August, 1973, bombing halt.

GROUND MISSIONS OVERVIEW

This section will treat those ground operations in which errors in statistical reporting have been found during the DOD review.

In September 1965, the worsening situation in the Republic of Vietnam caused the U.S. to undertake limited ground reconnaissance actions in Laos. These

There are differences between some of the statistics in this report and those contained in the May, 1973 submission of *classified* statistics. The May submission did not identify the helicopter gunship sorties shown in the attached reports on SALEM HOUSE and PRAIRIE FIRE. We are now preparing an update of these helicopter gunship statistics and verifying the May, 1973, data on fixed-wing gunship sorties. In addition, the casualty statistics in the separate statistical update are the best available. However, we are continuing our review of a few individual cases.

AIR MISSIONS OVERVIEW

This section will review the following air operations:

Menu: B-52 operations in Cambodia, March 17, 1969 to May 26, 1970. Missions were carried out based on intelligence of substantial North Vietnamese (NVN) and Viet Cong (VC) buildups in Cambodian sanctuary areas at the time of both impending and actual American troop withdrawals under President Nixon's plan which brought home the more than one-half million Americans fighting in Vietnam.

Good look: B-52 operations in the Plaine Des Jarres (PDJ) region of Laos from February 17, 1970, to April 20, 1972. Those missions were authorized in response to the request of the Royal Laotian Government.

Patio: Fighter-bomber (TACAIR) operations in Cambodia augmenting MENU operations during April-May 1970.

Freedom deal: Fighter-bomber TACAIR operations in Cambodia from May, 1970 to August, 1973.

Several general statements apply to all air operations conducted during this period. First, throughout the period of U.S. Southeast Asia involvement, the accounting and reporting methods for air operations were steadily improved. The JCS automated data base that was developed made information available to large numbers of people, with varying information requirements and for which varying information aggregations were needed and appropriate.

Secondly, in order to assure optimum effectiveness in command and control and to minimize the opportunity for error, a number of communications channels and means were authorized and used. The choice of the communicating channel was determined by the requirements for security, for transmission speed, for detailed content, etc. The availability of multiple communications channels, and the coincident use of both highly secure and routine channels for transmission of data of differing sensitivities but relating to the same operation was not unique to these operations; nor for that matter, was it unique to this war. Materials were routinely handled in the channel most appropriate to the required degree of security. High-security channels—referred to as special security or "back" channels—were reserved for highly-classified messages and extremely sensitive background information passed among top-level commanders.

Finally, while the amount of collected data—statistics and records—on U.S. combat activities in Southeast Asia are more extensive than during any other war, there are still gaps in our ability to retrieve some information. It is felt, however, that the data available, as presented, allow for reasonable and responsible assessment of the various operations for which the Congress has requested this review.

A basic characteristic of these air operations was that they were conducted in and over countries whose political leaders were either unwilling or unable to acknowledge publicly such activity. At the time, these same political leaders had either requested the operations or had knowledge of and acquiesced in them. The Cambodian bombing during Prince Sihanouk's regime, as well as the subsequent U.S./ARVN ground operations into Cambodia were directed toward denying the enemy sanctuaries, protecting American lives and providing a tactical environment which would permit the safe withdrawal of U.S. combat forces under President Nixon's withdrawal plan.

MENU OPERATIONS

General

On March 18, 1969, B-52s were used for the first time against Viet Cong and North Vietnamese Army elements located in Cambodian sanctuaries adjacent to the South Vietnamese border. The name MENU was given this operation, and it continued through May 26, 1970. The purpose of MENU was to protect American lives during the preparation for and actual withdrawal of U.S. military personnel from Southeast Asia by pre-empting imminent enemy offensive actions

from the Cambodian sanctuaries into South Vietnam and against U.S. servicemen and women.

Due to the unusual and sensitive diplomatic situation between the Cambodian government and the governments of the United States and South Vietnam, information on MENU was held very closely. Knowledge of the operation was limited to those personnel essential to its successful administration and execution. The special security or "back" channel communication system for insuring optimum security in highly sensitive matters was used for TOP SECRET sensitive aspects of MENU. Less highly classified channels were used to handle the routine mission requests and authorizations. The approval/execution procedures for MENU are discussed on pages 8-10. Special security procedures are discussed on pages 15-18.

The following is a summary of MENU methodology adopted and utilized by field units and in the military chain of command:

A B-52 strike on a target in South Vietnam would be requested through normal communication and command channels.

Through the special security communication and command channel, a strike on the MENU (Cambodian) target nearest a requested target in South Vietnam would be requested.

Upon approval, the mission would be flown in such a way that the MENU aircraft on its final run would pass over or near the target in South Vietnam and release its bombs on the enemy in the MENU sanctuary target area.

On return of the aircraft to its base, routine reports on the mission would be filed in normal communication channels which did not reveal the MENU aspect of the mission.

Separate reports were provided by "back" channel on the MENU aspect.

All MENU sorties occurred at night and were directed by ground control radar sites. These radar sites were used to direct aircraft throughout the Southeast Asia conflict, and their operation permitted extremely accurate strikes against the enemy. The name for this ground-directed bombing operation was COMBAT SKYSPOT. In MENU operations, the radar site crews received instructions that resulted in the aircraft releasing their bombs on the MENU targets rather than on the targets in South Vietnam. Details of radar procedures are discussed on pages 10-11.

In their pre-take off mission preparation, all the B-52 crews were briefed on the South Vietnamese targets. Only the pilots and navigators of the aircraft to be directed to MENU targets were briefed to react to all directions for bomb release from the ground control radar sites. This special guidance to MENU pilots and navigators was necessary since the entire crew was briefed routinely, as they normally had been throughout the war, to make every effort not to bomb in Cambodia. The pilots and navigators, while not controlling the exact release point of their bombs, had indications from on-board radar and navigation instruments of their position. Other crew members had no indication that their aircraft was directed on other than the target in South Vietnam which had been covered in their routine briefing since the MENU target was in close proximity to and in alignment with the routine target. Details of MENU aircrew procedures are discussed on pages 11-12.

MENU mission reports were carried in both the routine and special security communications channels depending on their degree of security sensitivity. Reports on the sensitive aspects, which were sent through the special security channel, were available only to those in the command and control chain who had a "need-to-know." Reports based on the routine channels, so that for administrative and logistical purposes, MENU sortie information blended into other less highly classified information in the data base. MENU sorties thus properly were included in overall Southeast Asia statistical totals but not identified with Cambodia in any but the special security channels. When the routine data was subsequently utilized in providing Congress a country-by-country breakout of sorties—first in classified and then in unclassified form—the MENU sorties were reflected in South Vietnam as they were routinely carried in that data base, rather than in Cambodia as they were carried in the closely held MENU records.

This error was subsequently discovered, corrected and apologized for.

The Department's review of MENU operations gave particular attention to the procedures directed for providing inputs to the formal reporting system that accounted for the operational and logistic aspects of this operation. The review established that under the procedures directed no one was required to make any input to this formal reporting system that the individual knew, or should have known, to be incorrect. The procedures permitted only correct formal reporting. There was careful selection of individuals who, in addition to TOP SECRET

General WHEELER. Yes, sir.

Senator HUGHES. That doesn't mean that he informed them, does it?

General WHEELER. I cannot answer that question. He didn't say it that specifically to me.

Senator HUGHES. Then at this point, as far as I know, Dr. Kissinger implied that they had been informed, and Secretary Laird implied that they had been informed, but you state as for yourself that you informed no one?

General WHEELER. I informed no one.

Senator HUGHES. So we still don't know who informed who in this whole business, except the fact that you can state as hearsay evidence that you were told that they were informed.

General WHEELER. I would suggest that you could also ask the gentlemen I referred to.

Senator HUGHES. I intend to try that, General Wheeler. I don't know what success I will have, but I will try.

Mr. Chairman, my time has expired.

Senator SYMINGTON. If the Senator will yield to Senator Nunn, we will go over to vote, and he may proceed under the 10-minute rule.

Senator HUGHES. I would like to be present when these questions are asked before these questions are asked.

Senator SYMINGTON. Then let's go vote now and come back.

[Recess.]

Senator NUNN [presiding]. Senator Symington has asked that I go ahead with some questions so that we won't waste anyone's time here.

General, I have more interest in the actual so-called alleged falsification than I do the bombing itself. I think you have made out a strong case for the military need of the bombing, and I personally can't imagine a commander that would have troops getting killed from a sanctuary across the border by the enemy that would not feel that way, and I feel that way myself.

The question I have relates to the falsification, because I think it is not only a question of what happened in the past, but also a question of what we are going to do about it in the future.

You state on page 3 of your prepared statement—and I quote—"In implementation of the President's instructions with regard to security * * *." What were the President's instructions with regard to security?

General WHEELER. His instructions were of a general nature, Senator, but very emphatic. He wanted the matter held in the greatest secrecy, and the instructions or requests would be transmitted by security communications, on a need-to-know basis.

Senator NUNN. He did not tell you how to do that?

General WHEELER. No, sir.

Senator NUNN. Did this come from the President himself or from the National Security Council?

General WHEELER. I recall the President's saying this to me not just once, but either to me or in my presence at least a half dozen times.

Senator NUNN. Would you repeat it one more time? I want to make absolutely certain that I understand.

General WHEELER. The President of the United States didn't order these particular procedures; what he ordered was security, and the procedures that had to be adopted resulted in this effect. But I don't think that the reports were grossly in error by any manner or means. It is certainly true that certain people did not get information because they were not on the list of those who were in a need-to-know category.

Senator NUNN. If whoever sent the report over from Congress knew that it was not accurate information, they would have in effect falsified the report to Congress?

General WHEELER. I would say so, if they knew, in fact, it was erroneous information.

Senator NUNN. General, this whole situation gets back a little bit to the Lavelle case in my mind. Wouldn't it have been very easy for anyone to get in the habit of leaving out information in reports and falsifying reports when this was being done as a matter of policy throughout the military?

General WHEELER. I hardly think so, Senator. The matter of secrecy and cover reports and so on has been in vogue in military circles for centuries. I know that it was used by General Washington, among others. I don't think that you would have a general trend toward this, because as a matter of fact, the actions by General Lavelle came to light. I think this is going to be true of anyone who attempts to do this kind of thing.

Senator NUNN. In the future if we are going to use computers in reporting, and if we are going to have cover stories, information that is accurate flowing out one chain of command and information that is inaccurate flowing out of another, is there any system we can develop that we can get computer information from with any hope of it being remodeled here in Congress?

General WHEELER. It depends on what goes into the computer, Senator Nunn.

Senator NUNN. I would agree with that.

General WHEELER. The computer only tells you what it has been told by someone. As a matter of fact, the precise information on the MENU strikes was available. That was maintained in a separate data bank not computerized. It was handled by hand.

Senator NUNN. So we had better find out a dual request system over here, had we not; we had better ask for something different than normal information, if we really want to know what is what. What would we call it? Would we start asking for MENU information as opposed to—

General WHEELER. I wouldn't try that, because it would be a different named operation in that case, and you would be asking for information that you already have. I would say that you are going to have to get the information on the basis of the situation that you are actually handling at the time.

Senator NUNN. If you were sitting on this committee and you had some responsibility for approving a military budget in a situation in 1970 or 1971, what questions would you ask to get the information you needed to make rational judgments? Who would you ask? And how would you ask the questions?

General WHEELER. I would ask the Secretary of Defense exactly what the request covered, and ask him to respond in detail.

don't reflect anything on this subject. But from past experience, I assume that mention was merely made that appropriate Members of Congress would have been informed.

Senator SYMINGTON. Why would it have been necessary for us to say that we were bombing with Sihanouk's approval?

General WHEELER. I myself did not use that word "approval," I used the term "acquiescence." Whether he, in fact, approved or not, I do not know. I understood at the time that this acquiescence had been expressed to certain individuals who transmitted it through it through channels from Washington.

Senator SYMINGTON. You used the word "acquiescence," and you like it better than "approval." Did we threaten him, did we tell him that we were going to invade him on the ground if he didn't approve as we did later anyway?

General WHEELER. I don't believe this was any threat at all.

Senator SYMINGTON. What is the difference between acquiescence and approval?

General WHEELER. I think approval almost connotes a request, myself, but maybe I am overstressing the difference between the words.

Senator SYMINGTON. Did the MENU proposal submitted to the White House describe the double reporting procedures which would be used?

General WHEELER. No, sir. What the President prescribed, as I said, was security, and secure transmission of messages. The dual reporting system was something that grew up, because we couldn't carry out the President's directive and at the same time maintain our logistical base unless we had the normal flow of information in the logistical field.

Senator SYMINGTON. General Ryan said in his letter that MENU procedures "were advised by the highest military authorities, on the basis of security requirements imposed by the senior civil service authorities."

General WHEELER. That is correct.

Senator SYMINGTON. This suggestion that the impetus for the unusual "security procedures" came from "civilian authorities." What civilian authorities, the President, or General Haig, who was then working with Dr. Kissinger, or Secretary Laird, or who?

General WHEELER. The President, sir, was the one who reiterated many times the need for security and secure procedures of transmission.

Senator SYMINGTON. And who worked out the details?

General WHEELER. We did.

Senator SYMINGTON. Who is "we"?

General WHEELER. The military.

Senator SYMINGTON. In meetings or discussions held by officials of the White House, the NSC, or other departments and agencies concerning the proposal of the bombing in Cambodia, what was said during these discussions regarding security and reporting procedures?

General WHEELER. I don't think anything was said about reporting procedures except that we would use the secure channels, sir. And that was it.

Senator SYMINGTON. I ask, and must consent at this point to put in the record a letter of July 26, 1973, to Senator Stennis, chairman

Senator SYMINGTON. Do you know whether they were transferred orally or in writing?

General WHEELER. I don't know, sir; I don't know whether they were transmitted at all.

Senator SYMINGTON. Do you know if anybody in the White House of the JCS approved the procedures that were developed as a result of the instruction on secrecy?

General WHEELER. I can't answer that, sir. I know that everybody seemed to be satisfied with what was done. At one time I received a directive from the President, after the start of the operation, asking me to congratulate everyone because of the high degree of security which had been maintained.

Senator SYMINGTON. Senator Thurmond.

Senator THURMOND. I have no other questions at this time, Mr. Chairman.

Senator SYMINGTON. Senator HUGHES.

Senator HUGHES. Thank you very much, Mr. Chairman.

I couldn't help but reminisce, as you were questioning General Wheeler, on the debate that was going on in the Senate over that period of months in 1969, after the inauguration of a new President. I couldn't help but remember that the leadership of the minority party in our House was again exhorting the Senate to give the President time to negotiate peace, and be patient, we have a new man in the White House, and peace is around the corner. I remember that it was in the middle of June before I made a speech on the war on the floor of the Senate, because I wanted to give the new President time to negotiate. Now I find out that less than 30 days after his inauguration he had spread the war, had broadened at least our involvement in it, in what all of us thought was a neutral country at the time. There must have been an awful lot of chuckling going on over in the White House and other places about the ignorance of those Members in the Congress over there as to what was really happening in Southeast Asia.

If I might refer to this letter from General Ryan that was in response to questions that I asked him, though it is addressed to the chairman of the committee. First, we will go to the second page, the second question:

What were "MENU procedures" with regard to post-strike reporting?

Answer. In order to provide the military and diplomatic security required by senior civilian authorities, a special security channel with limited distribution to only to those with an absolute need to know in the chain of command was used to provide post-strike reporting.

Would you describe that chain of command, General Wheeler, for me? Who did you call to implement the operation and who did they call right on down that chain of command for them, and who were the men in those positions at that time?

General WHEELER. It was done by means of a message, Senator; not by means of a telephone call. The message was sent to Admiral McCain, who was the Commander in Chief, Pacific, at the time; to General Abrams, of course; to the commander of the B-52 forces on Guam; and to SAC in the United States, I am pretty sure.

Senator HUGHES. Who was the commander of the B-52 bases on Guam?

Senator HUGHES. General Abrams, a question that came up last week, I believe it was, in April and May of 1969, American defoliation raids damaged an estimated 173,000 acres, or 270 square miles of rubber plantations in the Fish Hook area of Cambodia. What was the purpose of this operation?

General ABRAMS. To my knowledge, no defoliation mission was directed or authorized in Cambodia. I am familiar with this allegation, and I understand that now it is under litigation.

Senator HUGHES. Reparations are being sought. A State Department official named Thomas Pickering told a House subcommittee: "The greatest part of the damage was caused by deliberate and direct overflight over the rubber plantations."

But you say you have no knowledge of that?

General ABRAMS. No; there were no defoliation operations in my view, there were none ever authorized in Cambodia—

Senator HUGHES. Would that have been under the direction—

General ABRAMS [continuing], or directed

Senator HUGHES. Would that have been under the direction of the 7th Air Force, had it happened?

General ABRAMS. Yes; it would have been their aircraft. But the defoliation missions came from my own headquarters.

Senator HUGHES. In other words, you gave the missions that were authorized at least?

General ABRAMS. That is right.

Senator HUGHES. So if one happened in Cambodia it was an unauthorized mission?

General ABRAMS. That is right.

Senator HUGHES. Apparently there is no question about the fact that 270 square miles were defoliated, it is a matter of record, and it is under litigation. So someone got those planes out there and defoliated quite a piece of ground. You had no knowledge of it, that is what you are telling us?

General ABRAMS. That is right.

Senator HUGHES. General Abrams, if I can ask some questions in relationship to the President on this, is there any doubt in your mind that the President knew the nature and extent of these closely held military activities, the B-52 raids into Cambodia?

General ABRAMS. It is and was my belief, conviction, that the President knew it.

Senator HUGHES. The same thing about the tactical air strikes down into Cambodia west of the Mekong?

General ABRAMS. That, I just do not know that much about it. But on the B-52s, I am convinced of that.

Senator HUGHES. Do you have any difficulty reconciling his statement on the night of April 30, 1970:

The American policy since 1954 has been to scrupulously respect the neutrality of the Cambodian people, for five years neither the U.S. or South Vietnam has moved against these enemy sanctuaries because we did not wish to violate the terms of a neutral nation.

General ABRAMS. I have no comment to make on that, Mr. Senator.

Senator HUGHES. Are you aware of any effort by the President or his advisers to warn the North Vietnamese of escalation of the war if they did not take such steps?

Paris, and bring the war to a close. This was a part of his actions to do that.

Senator THURMOND. Do you feel that was a wise decision on the part of the President to approve the request of the field commanders to help to bring the Vietnam war to a close?

General WHEELER. I do, sir.

Senator THURMOND. General, the chairman referred to false reporting. In simple words, what do you know about false reporting? Do you feel there was false reporting there or not?

General WHEELER. I do not, sir. I do not think this was false reporting. It is quite true that one thing that went into the automated data bank was erroneous; that is, the location of certain of the strikes, which were shown as being in South Vietnam when they were actually in the border area of Cambodia. But I assure you, Senator, that no one was ordered to make a false report. I wasn't directed to by the President or by the Secretary of Defense, nor did I direct anybody in the field to make a false report.

Senator THURMOND. Did the President order any false reporting?

General WHEELER. No, sir.

Senator THURMOND. Did the Secretary of Defense order any false reporting?

General WHEELER. No, sir.

Senator THURMOND. Did the Joint Chiefs of Staff order any false reporting?

General WHEELER. No, sir.

Senator THURMOND. Was it really considered false reporting, or was it considered a matter of protection to keep the enemy from knowing what you were doing?

General WHEELER. First, we had to have operational information on a need-to-know basis in order to provide those in the command chains properly constituted authority, with information as to what was requested from the field, and what was done, without causing a diplomatic incident. In other words, this was a diplomatic, not a military, move, in my judgment.

Second, we had to maintain the normal flow of what the Air Force called OPREP-4 reports in order for us to have replacements or data for replacement of bombs expended, fuel expended, spare parts worn out, and so on. Moreover, everybody knew that we were generating some sixty B-52 sorties per day; and had these sorties not been flown, or had the information not come out on the OPREP-4 report, which has a very wide distribution, this would have immediately generated questions in many sectors, and undoubtedly the secrecy of the operation would have been destroyed.

Senator THURMOND. I want to ask you this question. Did the military consider that they were a false reporting to try to deceive somebody, or were they following a course during a secret military operation that they thought would save American lives?

General WHEELER. We weren't trying to deceive anybody, Senator. We didn't deceive anybody—we didn't deceive Prince Sihanouk; we didn't deceive the enemy, because he knew he was being bombed; and we certainly did not deceive the President or the Secretary of Defense or those others in the chain of command. I would say that the information which was provided to everyone who needed it was

don't reflect anything on this subject. But from past experience, I assume that mention was merely made that appropriate Members of Congress would have been informed.

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Staff didn't just say to you as Chairman, or to someone, that this information can't be right, because the classification is "top secret," and we have nothing in here above secret, and we happen to know that the Chairman of the Joint Chiefs at that time, General Wheeler, sent out the instructions for these strikes in accordance with the wishes of the White House.

Admiral MOORER. Yes, sir; but I think what happened—I understand your question perfectly, Mr. Chairman—but I think what happened was——

Senator SYMINGTON. Excuse me, it is not a critical question, it is just trying to see how to avoid it in the future.

Admiral MOORER. It is a good question. As I testified this morning, we may be able to introduce some coding procedure which is available for computers today which wasn't available when the system was set up. It is unfortunate that we have become a slave of these things. I think what happened here was that they simply ran off a computer printout without realizing it was incomplete. You can charge it up to carelessness, if you like, or inefficiency. I just want to repeat what Mr. Clements said this morning, there was certainly no intent there to deceive. As you know, we get literally thousands of questions from the Congress. When you are dealing with a policy question rather than a routine matter such as the question of whether information of this kind should be declassified, of course, it should be carried up to the top. Also more recently, as Mr. Clements pointed out, we have had a tremendous amount of, let us say, transition and instability in the Pentagon since we have had three Secretaries of Defense since Christmas, and I think without this turnover it would probably have been picked up too. You should also remember that the National Security Act prohibits members of the Joint Staff from serving more than 3 years, with limited exceptions.

Senator SYMINGTON. Thank you.

Admiral MOORER. But I want to assure you, Mr. Chairman, that we are examining the computer techniques to see, of course, if such a situation can be avoided, so that when a situation such as this does come up, there is some means of flagging the difficulties that a report of this kind could generate.

Mr. CLEMENTS. Mr. Chairman, I would like to comment that in my judgment an old phrase really covers what happened. We just dropped a stitch here, there is no question about it.

Senator SYMINGTON. I appreciate your saying that. My suggestion would be that if the program overall continues on this basis, that the Chief of Staff of the service in question himself assume direct responsibility for what the Secretary of the service tells the appropriate committees in the Congress.

My next question: Did the JCS order the procedure under which regular reporting was to continue on B-52 targets in Vietnam while some B-52s would be diverted to bomb Cambodia by messages in a highly classified channel?

Admiral MOORER. No, sir, there were no specific orders to that effect. The system simply operated routinely. Many people have been asked the question, "Did you authorize the falsification of reports?" And, of course, no one authorized the falsification of reports in that context. There was a standing order that nothing would go into the computer

Question 9. How does Dr. Kissinger generally define the role and priority of economics in the formulation and implementation of America foreign policy? What new initiatives will he take; organizationally within the Department of State, vis-a-vis such other Executive Branch agencies as the Department of the Treasury, and how does he define the role and function of the International Economic Policy Council?

Answer. Economic issues are as much the subject of inter-governmental relations—of conflict, negotiation, and compromise—as are so-called “political” issues. Furthermore they have a high political content. One has only cite such examples as oil, or multinational corporations, or foreign aid to recognize the political nature of economic issues. Foreign policy must address these issues.

The policy-maker needs to assess the full consequences of a proposed course of action—the economic as well as the political and security implications. Economics is in this sense an integral part of the making and execution of foreign policy.

As to priorities, one cannot assign an abstract ranking to the various facts such as political, military, economic, humanitarian, etc. These various and sometimes conflicting elements can be considered and weighed only in context. As a general rule, however, we must be careful not to decide important economic questions on a purely technical basis; the political framework is an essential consideration.

I have not yet determined whether, or what, new initiatives organizationally within the Department of State or vis-a-vis other Executive Branch agencies are necessary to improve the functioning of the Department of State on international economic matters. This is receiving my urgent attention, and I will keep this situation under review as I gain experience.

In any event, I plan to have the Department play a leading role and continue to work closely with other agencies in the consideration of economic aspects of foreign policy issues.

The role and function of the International Economic Policy Council are (1) to clarify options among agencies on economic issues so as to permit informed decision-making; (2) to recommend policies to the President; and (3) to initiate interdepartmental studies on economic issues that may need further exploration.

RESPONSES OF DR. HENRY A. KISSINGER TO QUESTIONS SUBMITTED BY SENATOR HUGHES FOR THE RECORD

Question 1. Did the President know of and approve the special security procedures for the Cambodia bombing which involved the use of dual reporting channels (one accurate, the other with falsified figures)? If not, who made the decision to set up the false reporting system?

Answer. This issue was addressed in my testimony of September 7, 1973. As I said then, the President did not know of the dual reporting channels. The President and the NSC unanimously did agree on the need for secrecy, however, for the reasons that have been explained. It was in carrying out this requirement that special double accounting procedures were developed within the Department of Defense.

Question 2. Who made the decision to tell only certain members of Congress about these operations? Why were the Speaker of the House, the Majority Leader of the Senate, the Chairman of the Senate Foreign Relations Committee, and most members of the Foreign Relations, Armed Services, and Appropriations Committee not informed?

Answer. While a number of key Congressional leaders were consulted on the Cambodia bombing operations, a more thorough and systematic procedure would have been desirable. This failed to happen not because of any decision to deceive Congress about those justified and successful operations which saved American lives and speeded the achievement of Vietnamization.

Rather it was a consequence of the deteriorated state of trust and cooperation between the branches and the lack of adequate consultative procedures between Congress and the Executive, as well as among the interested committees of Congress.

An improved climate of trust and cooperation, the attainment of which will be one of my highest objectives, should go far toward insuring full communications on such matters in the future.

that he had relied upon the information so furnished by the student or his family? Would such a letter received from a lending institution from whom the student sought a loan be equally acceptable in the same circumstances? Would a notation, however informal, written by a student aid officer to record information furnished him in a telephone communication with a student or his family or with an official of a lending institution similarly be deemed adequate documentation?

We would appreciate an immediate response to these questions. If your answers are in the affirmative, we will undertake to secure the same instructions to the GAO auditors.

Chairman Perkins of the House Committee, and members of the Senate Labor and Public Welfare Committee have indicated to you and to us their deep interest in a speedy resolution of this problem.

Very truly yours,

JAMES G. O'HARA,

Chairman.

JOHN DELLENBACK,

Ranking Member.

DEPARTMENT OF HEALTH,

EDUCATION, AND WELFARE,

Washington, D.C., August 1, 1973.

Hon. JAMES G. O'HARA,
House of Representatives,
Washington, D.C.

DEAR MR. O'HARA: Thank you for your letter of July 27, 1973, in which you set forth many of the questions and concerns regarding current procedures for the Guaranteed Student Loan Program which were raised at the July 26 hearing and in further discussions with Mr. Muirhead. I am hopeful that the information which follows will clarify the position of the Office of Education with respect to the total process of determining need, including the adjustments which can be made and the documentation required.

I should point out that the determination of need under all the financial aid programs has traditionally involved an adjustment process. The existing needs analysis services such as those provided by the College Scholarship Service and the American College Testing Program, the two largest systems, provide only an estimate of a family's ability to pay. The judgment of the financial aid officer is indispensable in determining the amount of financial support that can be contributed for a specific individual. The inherent flexibility in needs analysis is well stated in the instructions provided for the College Scholarship system:

Although accurate, objective data constitute the basis for systematic need analysis, the resulting expected contribution should not be considered scientifically accurate. Complexities in an individual's financial circumstances and difference in attitudes toward education will require that an aid officer make adjustments in order to determine the appropriate contribution from the student. In doing this, he must evaluate both the objective and subjective information available to him from all sources. A system of need analysis must always be a guide for judgment, not a substitute. A financial aid officer has a professional responsibility to make equitable judgments about each individual. If he simply accepts the computed need as an "answer" from a systematic need analysis, he shirks his responsibility to the institution and the student.

On Section III A of form 1260 the amount of a student's family contribution as computed by a uniformly applied needs analysis system is entered and no further documentation is required. Section III B is provided to permit a student financial aid officer to exercise his judgment and take into account

the individual circumstances of a student or his family.

The circumstances in which the financial aid officer is permitted to make adjustments are basically those provided in the 7 codes in the instructions to Form OE 1260. For code 6, "cannot meet expected contribution from income", the situation you have outlined on the top of page two of your letter would certainly be reasonable. In this case, there would be no question that the Office of Education would support the institution in any case where an auditor took exception to the action of the student financial aid officer.

There are any number of ways in which such adjustments can be documented. For example, letters from a student or from a member of his family would be sufficient documentation if the student aid officer noted thereon or in a separate document that he had relied upon the information so furnished by the student or his family; or a letter received from a lending institution from whom the student sought a loan would be equally acceptable in the same circumstances. A notation, written by a student aid officer to record information furnished him in a telephone communication with a student or his family or with an official of a lending institution would similarly be deemed adequate documentation provided the financial aid officer also wrote a letter of confirmation of the conversation to the appropriate party.

While the financial aid officer must always be the final authority in any system of needs analysis, he can only do this based on the information provided by the student and his family. The student is now required to execute an affidavit stating that the loan proceeds are to be used solely for expenses related to attendance at the education institution. The federal warning clause on both the application and the supplementary form applies to the student and his family. Naturally, the financial aid officer would not be held accountable if there were fraud on the part of the student or his family.

In conclusion, let me emphasize that the Office of Education is prepared to support the institution in any exception taken in the future by auditors where the financial aid officer has exercised his professional judgment and provided reasonable documentation of the type which I have described above for adjustments in the amount of family contribution. You have my full assurance in this regard.

Best wishes,
Sincerely,

JOHN OTTINA,

Commissioner of Education-designate.

QUESTIONS ON BOMBING OF CAMBODIA AND LAOS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. HÉBERT) is recognized for 10 minutes.

Mr. HÉBERT. Mr. Speaker, on July 25, 1973, the gentleman from Massachusetts (Mr. HARRINGTON) submitted a privileged resolution which was referred to the Committee on Armed Services. The resolution posed a series of 10 questions concerning the extent of the bombing of Cambodia and Laos, during the period January 20, 1969, through April 30, 1970.

Immediately, upon receipt of House Resolution 508 by the Committee on Armed Services, a written request was made to the Department of Defense for an expedited report on the questions raised in the resolution.

Subsequent to the introduction of

House Resolution 508, Mr. HARRINGTON introduced an identical resolution on July 31, 1973, House Resolution 519, for himself and a number of other Members. Also, on Wednesday, August 1, 1973, Mr. HARRINGTON again introduced an identical resolution, House Resolution 520, for himself and a number of other Members.

Set out below is a communication from the Department of Defense received by the Committee on Armed Services on Thursday, August 2, 1973. The communication is self-explanatory and responsive to the questions raised in the resolutions. I wish, however, to point out that since the response to question No. 5 is classified it can not be included in the public record. The details of the response to question No. 5 are, under Rules of the Committee on Armed Services, available to Members of Congress in the room of the Committee on Armed Services.

The Defense Department's letter and enclosure follow:

ASSISTANT SECRETARY OF DEFENSE,

Washington, D.C., August 1, 1973.

Hon. F. EDWARD HÉBERT,
Chairman, Armed Services Committee, House
of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Secretary Schlesinger has asked that I reply to your letter of July 26 which enclosed House Resolution 508.

Attached are specific responses to the questions raised in this House Resolution. As noted, some of these data are under continuing review and other information is not immediately available within the Department of Defense. We are reexamining many of these statistics and will provide your Committee with an update of them prior to the conclusion of the August recess.

In the interest of making this information available as widely as possible, all but one of these answers have been prepared in an unclassified form. The one classified question is, of course, clearly identified as such.

Sincerely,

JOHN O. MARSH

ENCLOSURE: ANSWERS TO QUESTIONS POSED IN
HOUSE RESOLUTION 508, JULY 25, 1973.

Some degree of error may be expected in the statistics provided herein, primarily as a result of imprecise location of borders and disputed claims. Deviation from earlier release figures may also be expected as a result of the continuing refinement of the data base.

Question: "(1) The number of sorties flown by United States military airplanes, for bombing purposes, over Cambodia and Laos during the period January 20, 1969, through April 30, 1970, distinguished by type of aircraft."

Answer: The following data are derived from that already provided to the Congress. They include the entire month of January, 1969. The data provided to the Congress do not permit a separate identification of sorties for the period 20-31 January 1969. We are continuing our review of these statistics to verify their accuracy. We expect that this review will result in changes to these data. Revised data will be submitted prior to the conclusion of the Congressional recess.

	Laos	Cambodia
TACAIR.....	191,402	22
B 52.....	8,520	3,630

Question: "(2) The tonnages of bombs and shells fired or dropped on Cambodia and Laos during the period January 20, 1969, through April 30, 1970."

Answer The following data are derived from that already provided to the Congress. They include the entire month of January, 1969. The data provided to the Congress do not permit a separate identification of sorties for the period 20-31 January 1969. We are continuing our review of these statistics to verify their accuracy. We expect that this review will result in changes to these data. Revised data will be submitted prior to the conclusion of the Congressional recess.

	Laos	Cambodia
U.S. TACAIR.....	476,571	0
B 52.....	244,586	103,921

No U.S. naval gunfire was used in Cambodia or Laos. No records are available to provide the amount of U.S. artillery expended in the two countries during this period. It is believed to be negligible if any. Not in-

cluded in these figures are NVN ordnance expenditures nor ordnance expended by the opposing Laotian/Cambodian forces or other third country forces.

Question: "(3) The number and nomenclature of airplanes lost by the United States over Cambodia and Laos during the period January 20, 1969, through April 30, 1970."

Answer: U.S. Military Aircraft Losses in Cambodia and Laos 20 January 1969-30 April 1970

	Laos			Cambodia			Total	Laos			Cambodia			Total
	Combat	Operational	Total	Combat	Operational	Total		Combat	Operational	Total	Combat	Operational	Total	
A 1.....	28	1	29	0	0	0	29	0	1	7	0	0	0	7
A-26.....	2	0	2	0	0	0	2	0	0	0	1	0	1	1
A-4.....	7	8	15	0	0	0	15	0	1	0	0	0	0	1
A-6.....	7	1	8	0	0	0	8	1	5	0	0	0	0	5
A-7.....	3	10	13	0	0	0	13	0	1	0	0	0	0	1
AC-130.....	2	0	2	0	0	0	2	0	0	1	0	0	0	1
B-57.....	3	0	3	0	0	0	3	0	0	0	0	0	0	0
C-130.....	1	0	1	0	0	0	1	0	1	0	0	0	0	1
CH-3.....	5	0	5	0	0	0	5	0	2	0	0	0	0	2
EC-47.....	2	0	2	0	0	0	2	0	0	0	0	1	1	1
F-100.....	16	0	16	0	0	0	16	0	10	4	0	0	4	14
F-105.....	19	0	19	0	0	0	19	0	1	0	0	0	0	1
F-4.....	53	2	55	0	0	0	55	0	1	0	0	0	0	1
HH-8.....	1	0	1	0	0	0	1	0	0	0	0	0	0	0
HH-53.....	1	0	1	0	0	0	1	0	1	0	0	0	0	1
O-1.....	0	0	0	1	0	1	1	0	0	0	0	0	0	0
O-2.....	6	1	7	0	0	0	7	0	0	0	0	0	0	0
OH-6.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OV-1.....	1	0	1	0	0	0	1	0	1	0	0	0	0	1
OV-10.....	4	0	4	0	0	0	4	0	0	0	0	0	0	0
RA-3.....	1	0	1	0	0	0	1	0	0	0	0	0	0	0
RA-5.....	1	0	1	0	0	0	1	0	0	0	0	0	0	0
RF-4.....	8	0	8	0	0	0	8	0	0	0	0	0	0	0
RF-8.....	0	1	1	0	0	0	1	0	0	0	0	0	0	0
TA-4.....	2	0	2	0	0	0	2	0	0	0	0	0	0	0
U-1.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0
UH-1.....	0	1	1	0	0	0	1	0	1	0	0	0	0	1
UH-2.....	0	1	1	0	0	0	1	0	1	0	0	0	0	1
YQU-22.....	0	1	1	0	0	0	1	0	1	0	0	0	0	1
Total.....	186	29	215	7	0	7	222							

Question: "(4) The number of members of the Armed Forces of the United States killed, wounded, captured, or missing in action while participating in missions in or flights over Cambodia and Laos during the period January 1, 1965, through July 25, 1973, including the date of and the country in which the member of the Armed Forces was killed, wounded, captured, or missing in action during that period."

Answer: This information is not currently available in the Department of Defense. We have taken action to obtain this information. It will be provided to the Congress prior to conclusion of the August recess.

Question: "(5) The sources of intelligence permitting the identification of priority bombing targets in Cambodia and Laos during the period January 20, 1969, through April 30, 1970, including the number of reconnaissance sorties flown by United States airplanes and the names and number of units involved in the collection and processing of intelligence on the ground in or out of Cambodia and Laos to identify priority bombing targets in Cambodia and Laos."

Answers:

Committee Insert:

The answer to this question is classified SECRET by the Department of Defense.

The classified response to Question No. 5, in accordance with the rules of the Committee on Armed Services, is available for review and inspection by Members of Congress in the rooms of the Committee on Armed Services.

Question: "(6) Documents giving the best available estimate of civilian and military casualties incurred by Cambodia and Laos during the period January 20, 1969, through April 30, 1970, including the targets of bombing in Cambodia and Laos."

Answer: We have no documents which provide useful information on the totals of either civilian or military casualties in Cambodia or Laos during this time frame. Several factors prevented the maintenance of such records:

(a) Heavy jungle canopy precluded effective aerial photography.

(b) Heavy antiaircraft fire frequently prevented low flying observation craft from making post-strike reconnaissance.

(c) There were usually no on-scene ground observers to report casualties.

(d) Bomb damage reporting that does

exist is fragmentary, occasionally inconsistent, and inadequate to support any estimates of casualties.

(e) It is important to realize that many civilian casualties in both Laos and Cambodia have been caused by enemy forces.

Question: "(7) The cost incurred by the United States as a result of all bombing and shelling carried on by the United States in or over Cambodia and Laos during the period January 20, 1969, through April 30, 1970, including the costs of bombs and shells, ships, and airplanes employed in the transportation, and dropping and firing of such bombs and shells, maintenance of such ships and airplanes during such period, salaries of United States military personnel, during such period, involved in operating and maintaining such ships and airplanes, cost of equipment destroyed or damaged while participating in bombing missions over Cambodia and Laos, and all other expenses attributable to such bombing and shelling, during the period January 20, 1969, through April 30, 1970."

Answer: Based upon the fighter bomber and B-52 sorties data used for answers 1 and 2, the estimated total costs of these sorties are as follows:

[Millions of dollars]

Fighter bomber.....	\$1,204
B-52.....	343
Total.....	1,547

The costs of these sorties are based upon an average cost per sortie which includes such increments as fuel, bombs, maintenance and personnel. The costs do not include logistical support provided from the United States in support of operations, since these costs cannot be identified to specific combat operations. Also, an average cost for B-52 sorties has been used without differentiation between the origins of the sorties.

Also, the incremental costs of these sorties; that is, the differential between the cost of a combat sortie versus a peacetime training sortie is as follows:

[Millions of dollars]

Fighter bomber.....	\$49
B-52.....	74
Total.....	123

Again, average sortie costs have been used

and this calculation assumes that for training purposes essentially the same amount of sorties would have been flown by the aircraft in order to maintain combat proficiency.

Question: "(8) The names of the military and civilian authorities approving the decisions to undertake bombing in Cambodia and Laos during the period January 20, 1969, through April 30, 1970."

Answer: These operations were approved by the Commander-in-Chief.

Question: "(9) The names of the military and civilian authorities approving the decisions to maintain inaccurate files and information and to submit false documents to Congress concerning the bombing of Cambodia and Laos during the period January 20, 1969, through April 30, 1970."

Answer: The dual reporting system for these operations was established to maintain the security directed by senior civilian authorities. The procedures were developed by military authorities. The senior civilian in the Department of Defense in 1969 was the Honorable Melvin R. Laird, Secretary of Defense. The senior military officer was General Earle Wheeler, USA, Chairman of the Joint Chiefs of Staff.

No military or civilian authority made or approved a decision to submit false documents to the Congress.

Question: "(10) The names of the officials in the executive branch and Congress, as well as others outside of Government, who received correct and accurate information regarding the bombing of Cambodia and Laos during the period January 20, 1969, through April 30, 1970."

Answer: Attached are two lists of DOD personnel who had varying degrees of information on these operations. One list identifies key personnel for the Planning stage and the other identifies key personnel in the Execution stage.

Listed below are members of Congress advised of these operations. They were not briefed on a continuing basis throughout the operation: Senators Russell, Stennis and Dirksen; Congressmen Rivers, Arends and Ford.

We have no lists of personnel in other departments of the Executive Branch who had access to this information.

*Data not available.

KEY PERSONS HAVING ACCESS TO SPECIAL ARC LIGHT STRIKES—OPERATION MENU—PLANNING STAGE, THROUGH MARCH 17, 1969

OSD: Secretary Laird, Deputy Secretary Packard, and BGen. R. E. Pursley.

JCS: Gen. E. G. Wheeler, Gen. W. C. Westmoreland, Gen. J. P. McConnell, Adm. T. H. Moorer, Gen. L. P. Chapman, LGen. J. B. McPherson, Adm. N. C. Johnson, LGen. J. C. Meyer, MGen. G. B. Pickett, BGen. J. E. Glick, Col. D. P. McAuliffe, Col. F. L. Smith, Col. G. D. Roberts, Col. R. B. Sifton, and Mr. P. M. Kearney.

CINCPAC: Adm. J. S. McCain, Jr.

CINCSAC: Gen. B. K. Holloway.

COMUSMACV: Gen. C. W. Abrams.

The scope and depth of participation by those on these lists varies considerably, all members of the Joint Chiefs of Staff were kept fully informed. However, they were not involved in planning or discussions outside DoD except when acting as CJCS. Gen. McConnell and Adm. Moorer were the only chiefs who were acting CJCS during the planning phase.

KEY PERSONS HAVING ACCESS TO SPECIAL ARC LIGHT STRIKES—OPERATION MENU—EXECUTION STAGE, MARCH 18, 1969, TO MAY 1970

OSD: Secretary Laird, Deputy Secretary Packard, Brig. Gen. R. E. Pursley, and Capt. D. J. Murphy.

JCS: Gen. E. G. Wheeler, Gen. J. P. McConnell, Adm. T. H. Moorer, Gen. W. C. Westmoreland, Gen. J. D. Ryan, Gen. L. P. Chapman, Lt. Gen. J. B. McPherson, Vice Adm. N. C. Johnson, Lt. Gen. J. C. Meyer, Lt. Gen. John W. Vogt, Rear Adm. M. B. Freeman, Brig. Gen. M. W. Kendall, Brig. Gen. C. A. Jackson, Brig. Gen. J. E. Glick, Col. D. P. McAuliffe, Col. F. L. Smith, Col. E. S. Harris, Jr., Col. R. B. Sifton, Col. B. L. Davis, Col. J. W. Pauly, Mr. P. M. Kearney, Lt. Col. P. R. Zavitz, Col. J. S. Mace, and Col. R. A. Monge.

CINCPAC: Adm. J. S. McCain, Jr.

CINCSAC: Gen. B. K. Holloway.

COMUSMACV: Gen. C. W. Abrams.

Eighth Air Force (SAC): Lt. Gen. A. C. Gillem.

ELECTRONIC EQUIPMENT QUALITY CONTROL BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Miss HOLTZMAN), is recognized for 10 minutes.

Miss HOLTZMAN. Mr. Speaker, I am introducing legislation today designed to remedy the serious need for quality control of electronic equipment sold in interstate commerce to public utilities.

The need for quality control was demonstrated most graphically last February 20 when a million people in Brooklyn were without electricity for 2½ hours because a fuse in a control circuit was one-eighth of an inch too short to make proper electrical contact.

But my study of the problem of shoddy or defective equipment indicates that it is not unique to my congressional district. To the contrary, it appears that blackouts caused by faulty equipment are being experienced throughout the country.

Electrical World Week, the journal of the electrical industry, reports the filing of at least a dozen major lawsuits in the past 4 years by public utilities throughout the country against manufacturers for failures of electrical equipment. Countless other utilities aggrieved by faulty equipment might have filed suit were it not for the resistance of the courts to the awarding of consequential

damages against manufacturers.

It is high time for the Congress to "gain the attention" of the manufacturers and demand an end to the shoddy equipment that threatens the reliable delivery of electricity to the Nation's consumers.

But serious as this nationwide problem is, little attention has been focused on it. As a result, there is no national quality control of the manufacture of electrical equipment purchased by public utilities—including the critical equipment used by nuclear powerplants.

For this reason, I am introducing a quality control bill that will expand the jurisdiction of the FPC to encompass the creation and enforcement of quality control standards in the electrical equipment field and the issuance of orders to manufacturers found to be in violation of those standards.

A text of the bill follows:

H.R. 9854

A bill to empower the Federal Power Commission to prescribe and enforce quality control standards with respect to the manufacture and testing of electrical equipment for sale in interstate commerce to public utilities, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DEFINITIONS

SECTION 1. As used in this Act—

(1) The term "manufacturer" means a person engaged in the manufacturing or assembling of component parts into electrical equipment for sale in interstate commerce to public utilities.

(2) The term "public utility" means any person who engages in the sale of electric energy at the wholesale level in interstate commerce or whose business affects interstate commerce.

(3) The term "standard" means a minimum standard for electrical equipment performance and reliability prescribed by the Federal Power Commission.

(4) The term "Commission" means the Federal Power Commission.

POWERS OF THE COMMISSION

SEC. 2. (a) The Commission shall—

(1) promulgate standards with which manufacturers shall comply, for the manufacturing and testing of electrical equipment to be sold in interstate commerce and used by public utilities in the generation, transmission or distribution of electricity to consumers. Such standards shall be designed to insure proper functioning and durability of the equipment.

(2) hold a hearing upon receipt of evidence that a manufacturer is in noncompliance with said standards, and afford a fair opportunity for interested persons to testify and submit data.

(3) upon completion of said hearings, issue an order containing notice of a finding of noncompliance to any manufacturer found to be in violation of any standard prescribed under this Act. The Commission shall also notify any public utility and other manufacturers who ordered equipment from such manufacturer, or to whom such equipment was delivered or sold that such notice has been issued to such manufacturer.

(4) submit an annual report to the President and the Congress on the administration of this Act. Such report shall include—

(A) any standards promulgated during the year covered by such report;

(B) an evaluation of the compliance records of manufacturers by company name and location;

(C) any enforcement actions and court decisions;

(D) problems confronted in administering this Act;

(E) recommendations for additional legislation as may be necessary to administer this Act or achieve its purpose; and

(F) description of manufacturers' plans (submitted at the Commission's request) for taking action to comply with standards and to reimburse or otherwise satisfy their customers who have received noncomplying equipment.

(b) The Commission may request any manufacturer to allow the Commission to inspect its records, processes, machinery, equipment or procedures with respect to the manufacturing and testing of such electrical equipment.

MANUFACTURERS' DUTIES

SEC. 3. Every manufacturer shall—

(1) comply with any standards prescribed under this Act;

(2) prohibit its employees from shipping, delivering, transferring or selling any equipment after receipt of notice from the Commission that such equipment fails to comply with any such standard;

(3) submit plans, upon the Commission's request, for taking action which will put the manufacturer in compliance with standards and provide whether the manufacturer shall—

(A) bring the noncomplying equipment into conformity with any standard;

(B) replace the noncomplying equipment with equipment that complies with such standard; or

(C) refund the purchase price of the equipment (deducting a small allowance charge for use if the equipment has been used for one year or more by the public utility before discovering the first sign of equipment failure traceable to noncompliance);

(4) submit a timetable for the completion of the action required under the preceding paragraph (3) and report to the Commission on the action when completed; and

(5) be held responsible for the final place of equipment in entirety, notwithstanding the fact that the manufacturer may have purchased component parts from other persons and assembled such parts into the final product.

CIVIL PENALTIES

SEC. 4. (a) Any manufacturer who violates section 2 or 3 of this Act shall be subject to a civil penalty equal to the greater of \$10,000 or three times the purchase price of the noncomplying piece of electrical equipment. A violation of section 2 or 3 shall constitute a separate offense with respect to each piece of electrical equipment involved, except that the maximum civil penalty shall not exceed \$3,000,000 for any related series of violations.

(b) Any civil penalty under this section may be compromised by the Commission. In determining the amount of the penalty, or whether it should be remitted or mitigated and in what amount, the gravity of the violation and the size of the business of the person charged shall be considered.

CRIMINAL PENALTIES

SEC. 5. (a) Any manufacturer who violates section 2 or 3 of this Act after having received notice of noncompliance from the Commission shall be fined \$100,000 or imprisoned for not more than one year, or both.

(b) Any individual, director, officer, or agent of a manufacturer who knowingly authorizes or performs acts violating sections 2 or 3 and who has knowledge of notice of noncompliance, shall individually be subject to penalties under this section, without regard to manufacturer's penalties under subsection (a) of this section.

Senator McINTYRE. In the Times article and here this morning you have referred to the fact that it occurred to you in your talks with other officers that you were, as you say, neither protesting nor complaining, but asking questions about it, and you referred to the fact that they were probably trying to hide this from the Foreign Relations Committee. In your Times article, I think you referred to Senator Fulbright.

Mr. KNIGHT. Yes, sir.

Senator McINTYRE. So you were aware of the fact that there were many Members of Congress who were opposed to the Cambodian incursion, and later on you were also aware of the fact that there were many Members of Congress who were opposed to the war in general, is that right?

Mr. KNIGHT. Yes, sir.

Senator McINTYRE. Did it ever occur to you during these times when you were beginning to protest or beginning to complain, that what was rankling you about these false reports or what might be going on was that the false reports you might be asked to make was for the purpose of deceiving the U.S. Congress and the American people as to what was transpiring?

Mr. KNIGHT. That was what I had to assume at that time that the purpose was, was to deceive the Congress as to what was transpiring.

Senator McINTYRE. You were a major in the U.S. Air Force at that time?

Mr. KNIGHT. Yes, sir.

Senator McINTYRE. Yet you kept quiet?

Mr. KNIGHT. Yes, sir.

Sir, I believe that in all fairness, I would have to say that one of the very major reasons I kept quiet was because we had troops over there in the field, thousands of people. They were being shot at by those supplies. In addition, we had several hundred POW's up north. I wasn't going to do anything at that time or ever to expose those people to any more danger, they were in the field, or to extend the time that those people were in the prison camps up north. If I had to keep quiet about this thing forever and ever, until doomsday, I wasn't going to do anything to hurt those people.

Senator McINTYRE. I was a major in the U.S. Army Infantry, and I understand completely what you said. We had a four-star general over here the other day talking about something that took place, and he reacted in a way that I thought he could have let us down. I appreciate how it is with a major in the Air Force in the middle of a combat situation, it is one heck of a mess to try and bring something out like this. You probably would have ended back—I don't know where you would have ended up, in Eilat counting sheep. But again we see a failure to provide this information somehow through the maze of military bureaucracy.

I suspect that you realize the importance of the context of the letters from the Secretary of Defense and General Brown which have been inserted—that it was necessary to falsify those reports so that diplomatic missions, military delegations of foreign countries visiting, would not actually know that they were intentionally bombing into the Cambodian region—did that ever occur to you?

Mr. KNIGHT. Yes, sir, we talked about that. But I believe it could have been handled in such a way that that wouldn't have been a

General WHEELER. The reconnaissance was flown under the same security measures that I recall, and reported the same way as the actual strikes. In other words, through a special secure circuit.

Senator HUGHES. Was the reconnaissance flown under the 7th Air Force, or would it have used other means of reconnaissance?

General WHEELER. Through the 7th Air Force undoubtedly, sir.

Senator HUGHES. The target selection committee and MACV made the requests up the line for the nominated targets?

General WHEELER. They initiated the requests. But it was also accepted, of course, and approved by General Abrams before it was forwarded.

Senator HUGHES. General Wheeler, in spite of all the questioning, we have been unable to determine at what point or who made the decision that coordinates on the final OPREP-4's that went up and in the general computer banks were different from where the bombs were actually dropped. Is no one responsible in this special security channel for that? Somebody must have thought of that plan. It is a darned good plan, I might add. It was secure. But who dreamed it up?

General WHEELER. Actually, as I mentioned earlier, sir, the frag request came in eventually through a dual channel. One was the secret and security channel. The other was the normal operational channel, which is less highly classified and less closely held. The mission identifier numbers were assigned on a more open request, on the basis of that. This mission identifier was used on the Cambodian strikes as well as on the South Vietnam strikes. So it wasn't a matter of somebody, you might say, establishing this procedure; the procedure existed, and automatically this was the result.

Senator HUGHES. So we had a result finally that had false information coming to this committee of Congress but which was no one's deliberate attempt to falsify it?

General WHEELER. It certainly was not, sir, I assure you.

Senator HUGHES. What we are still trying to get in the record, we don't have an answer to the question, who initiated this dual system?

General WHEELER. It was initiated, you might say, by merely not stopping the normal OPREP-4 reports. In other words, we established the separate and highly classified restricted reporting system, and request system. And we kept the OPREP-4 reports, which are standard Air Force procedure—in fact, I think it is used by the Navy, too—in effect. We never addressed them.

Senator HUGHES. That resulted in two sets of information coming back to the command structure then?

General WHEELER. That is correct.

Senator HUGHES. Those with a need to know had the full information, and the others had——

General WHEELER. Had the less——

Senator HUGHES. The information with the logistic data on it with coordinates for South Vietnam?

General WHEELER. That is correct, sir.

Senator HUGHES. We were told also at the original hearings that the original targets, in other words, the South Vietnam targets, were legitimate targets.

General WHEELER. Yes, sir.

Senator HUGHES. You might have gone ahead and bombed those targets if some late decision had come to do it, gone ahead and dropped the ordnance at that point. Maybe it happened that way.

Senator HUGHES. General, you describe the area, and you described very accurately what the testimony yesterday indicated, the strikes west of the Mekong River. The testimony yesterday, if you are not familiar with it, indicated that they were given false coordinates, again for an isolated area within your original authorized area closer to the Cambodian-Vietnamese border, and they entered false coordinates on those strikes as though the strikes were actually delivered in this isolated area close to the Vietnamese border. Why was that done? Who ordered the falsification, who ordered the erroneous coordinates entered onto the reports? And why do it that way as long as you had the authority to do it?

General ABRAMS. In the first place, let me say, I think the item you are now talking about applies only to those special and individual strikes that I requested on an individual basis, because there was no requirement to change anything in Freedom Deal, Freedom Deal Alpha or Freedom Deal extension. The authority to do that was clear, and the reporting was normal, and the procedures were normal.

Senator HUGHES. The testimony yesterday indicated that this happened a couple of times a week. Did you request targets that frequently west of the Mekong?

General ABRAMS. I do not know, sir.

Senator HUGHES. You do not remember?

General ABRAMS. At this time I have no feel for how many.

Senator HUGHES. You are describing the special things?

General ABRAMS. I think that is what you are talking to also.

Senator HUGHES. Anyway, it happened in May, and before the June 30 time you were talking about some of it.

General ABRAMS. These special strikes or special authority were reported—the direction I had on reporting was daily, whenever they occurred, “eyes only” to the chairman in CINCPAC. We were also directed that these would not be included in the normal OPREP 5 messages.

Senator SYMINGTON. Excuse me. If the Senator would yield, you say to the chairman in CINCPAC. The chairman would be the JCS, would they not?

General ABRAMS. I am sorry, I left that out. I am talking about the Chairman of the Joint Chiefs of Staff.

Senator SYMINGTON. The Joint Chiefs themselves?

General ABRAMS. The only thing I can say is that my message went to the chairman, it was “eyes only” to him. My response came from the chairman to me. That is what I know as a fact.

Senator SYMINGTON. How about CINCPAC?

General ABRAMS. CINCPAC was in on the way up, and on the way back.

Senator SYMINGTON. But did you go “eyes only” to, say, Admiral McCain?

General ABRAMS. That is right.

Senator SYMINGTON. No one else knew about it, to the best of your knowledge?

General ABRAMS. For instance——

Senator SYMINGTON. If the Senator will yield, what is in my mind is, we know now where the order to do this came from. We know that it was to be done, and we know that it was done in secrecy. It was not from you, it was above you. But what we do not know what we

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Senator SYMINGTON. If the Senator will yield, what is in my mind is, we know now where the order to do this came from. We know that it was to be done, and we know that it was done in secrecy. It was not from you, it was above you. But what we do not know what we

would all like to know, is who ordered the falsification of records. That is the point that we do not seem to be able to shed any light on. We know that Major Knight says that he knew that the record was false. We know that people high here in Washington say they did not order the falsification of the records. You have testified that you did not order the falsification of the record. We cannot find out who ordered the falsification of the records. That is the other side of the coin, one side being the order for secrecy, even to the point where the committees did not know about it, the proper committees in the Congress, and the other side was the falsification of the records, presumably to insure that secrecy. If you have any thoughts on that score I would certainly appreciate them.

General ABRAMS. I do not know the answer to that.

Senator SYMINGTON. Thank you. Senator Hughes.

Senator HUGHES. I cannot figure out why we phoned up reports for bombing west of the Mekong in some other part of Cambodia. I know also, General, as you have said, that you had your orders and somebody else made the decision to enter false coordinates that were in an area up there. But I cannot find out who made that decision.

My time has been up for about 5 minutes. I am sorry, Mr. Chairman.

Senator SYMINGTON. I yield my time back to you. But we are both on the same subject now.

Who ordered the falsification of the records, to the best of your knowledge?

General ABRAMS. I just do not know.

Senator SYMINGTON. That is a hard one for us to find out.

General ABRAMS. I would like to say, from just a purely administrative viewpoint, you see, the whole thing had become too complicated. I could not keep these things in my mind, so I had to have specialists who kept them; and what we had to do for this case and that case and that case. From a purely administrative point of view, efficiency, if you will, I suggested that we go to one common system, more than once. This is just not a good—I am not talking about the things you are talking about, I am talking about just trying to run the thing right. That was my problem. It was too complex.

Senator SYMINGTON. I yield my time back to Senator Hughes, because he has a line of question he is pursuing.

Before doing so, could I ask this question? Knowing you, when you say you did not know about it, I know that is exactly correct. But in carrying out your orders, could there have been some subordinate of yours who proceeded to implement this falsification development under your command? If so, why?

You see what I am getting at?

Senator HUGHES. Could I fill in just a minute?

Senator SYMINGTON. Yes.

Senator HUGHES. Yesterday Mr. Moses testified—the former intelligence captain there—that he called 7th Air Force headquarters to get the direct orders for the coordinates that he entered on those TACAIR bombing missions that you have just described west of the Mekong River. They were given to him over the phone, and he entered the coordinates in under that. At that point in May, General Brown who is now Chief of Staff of the Air Force, was 7th Air Force Commander. I am trying to find out, because in this testimony he said he had no knowledge of anything like this himself, I am trying to find out if

we, can, General—I want you to know what was said yesterday, is the only reason I interrupted you, so that we will have the whole picture of it.

General ABRAMS. With what I know now and what I knew then, I do not know of anything that we did that was going to require somebody to make a false report.

Senator HUGHES. That is what I do not understand either. You had authority for what you were doing.

Senator SYMINGTON. When you were directed to keep this bombing on a close-hold basis, either someone in your command devised a system or you were directed from higher headquarters, it has to be one or the other, does it not?

General ABRAMS. Remember, SAC was not in my command.

Senator SYMINGTON. But the people in your command would have had to be executing a falsification of the record when the strikes came from TACAIR, would they not?

General ABRAMS. TACAIR strikes west of the Mekong?

Senator SYMINGTON. Yes.

General ABRAMS. I reported to the Chairman, JCS and CINCPAC when those strikes occurred and where they occurred. And that was factual and it was true. They were not included in the OPREP 5, which as I understand it is a summary, they were not included in OPREP 5 by direction from the chairman to me.

Senator HUGHES. General, if the Senator would yield, yesterday Mr. Moses testified that the false coordinates were entered in the OPREP 4's.

Senator SYMINGTON. I wish you would do this for us, if you would go back and get whoever is involved in this that you know, and get us the story as to how this happened—I think that is important—as soon as is convenient, and let us know just how this situation got mixed up to this extent.

I yield back my time.

Senator HUGHES. If I could read back from the Lavelle hearings, General, some quotes from you in relationship to this problem—I am not trying to question anything you have said, but to further clarify it. And this is you speaking:

I did talk with him [General Lavelle] and said, we just cannot have a military organization where you are requiring people to falsify reports.

Mr. WOOLSEY. Did you have a staff in MACV that worked especially on that problem of monitoring OPREP 3's and OPREP 4's?

General ABRAMS. Yes.

Mr. WOOLSEY. For the purpose of developing whether there have been violations of the rules?

General ABRAMS. Yes.

Earlier I asked a question:

Senator HUGHES. You have never authorized or agreed to any strike except for the guidelines that you understand were given as directives by the Pentagon to the U.S. commander?

General ABRAMS. That is right.

You had full authority, and your answer is truthful in this as it has been here today. My question is that Mr. Moses testified yesterday about the falsification of OPREP 4's, calling Saigon, the 7th Air Force Command, getting the false coordinates to enter into the TACAIR strikes, which were obviously those special strikes west of

the Mekong River which you described today. You have already said you cannot understand why or do not know why. And Senator Symington's question then was: "Could it happen somewhere down in your command structure without you knowing about it?" You said you did not know.

Is that a fair analysis to put it in perspective?

General ABRAMS. Yes.

Senator HUGHES. You have stated all you know about it or can enlighten us on it, at least at this point? Is that right?

General ABRAMS. Yes.

Senator SYMINGTON. General, will you look into this, and if you can give us more enlightenment we would appreciate it.

General ABRAMS. Yes, sir.

[The information follows:]

An extensive review of the operational messages relating to special TACAIR strikes west of the Mekong has been conducted. None of them, either from MACV to 7th Air Force, or from 7th Air Force to its subordinate elements prescribes false reporting of strikes. As I stated previously, I see no reason for falsely reporting any of these strikes. They were authorized by higher authority and were reported in "eyes only" channels exactly as prescribed. What appears to be the case, however, is that within the 7th Air Force operational chain, someone decided that it was also necessary to record those TACAIR strikes conducted under special authority (and reported in "eyes only" channels) as if they had occurred in areas in which normal reporting procedures were used. As best I can determine, there was no attempt to deceive; rather it appears to have been an administrative solution to the problem of accounting for each gallon of fuel used, each bomb dropped, and each sortie flown against targets in Cambodia.

Senator HUGHES. My next question is, How did you know what happened as a result of these strikes? Did you have regular reconnaissance missions fly over to get bomb damage assessments?

General ABRAMS. Are you talking now about——

Senator HUGHES. West of the Mekong.

General ABRAMS. Yes. I suppose most of that, Senator, was the pilot's report or the FAC's report. If there was a FAC out there, that was generally the best. We would have—some of it would be pilot's reports, which—they were great fellows, and so on, but they were enthusiasts, and sometimes that was not too dependable. They were not lying, that was not it. They were just enthusiasts, and they were out to do something, and a lot of times it was bad environment. So you cannot blame them. So I am not saying that. Sometimes we got results from photography. We did the best we could with what was available at the time and with the priorities we had.

Senator SYMINGTON. If the Senator would yield, Senator Thurmond has something he would like to bring up.

Senator THURMOND. Thank you very much, Mr. Chairman.

I discussed with the distinguished acting chairman of the Armed Services Committee, Senator Symington, the question of inviting the Cambodian Ambassador here to testify, and the distinguished chairman felt that this might not be appropriate, he did not know of a precedent for that. But he suggested that the committee get a statement from him or talk with him, and then I could place that in the record.

So, Mr. Chairman, at this time I wish to make this statement.

Just this afternoon I had a chance to discuss the Cambodia bombing problems with the distinguished Ambassador from Cambodia, Um Sim.

Admiral MOORE: Yes, I will try to.

He was referring to the strikes that are being considered in the paper that Mr. Clements gave you this morning; namely, the strikes in southern Laos. Subsequent to the time that the cover strikes for southern Laos targets were terminated, the MENU operation was initiated in 1969 for the strikes in Cambodia that we have been discussing. The requirement there then terminated shortly after the cross-border operations were begun on, I believe, the 30th of April 1970. Then, finally, in February 1970, the other set of cover targets for northern Laos around the Plaine des Jarres area were initiated, sir. So there were three major areas that were attacked; namely, those in Cambodia, those in northern Laos, and those in southern Laos.

Senator HUGHES. In other words, this whole procedure was dropped for a year and then reinstituted again?

Admiral MOORE. It was never reinstituted for the same area, sir. The first area that you are referring to, which was mentioned by General Ryan, is the Ho Chi Minh Trail area. It was never reinstituted in that area, sir. It was instituted for the MENU operations. That was terminated after the cross-border operations began. There were some other operations later on in Cambodia, and then also in the Plaine des Jarres area of northern Laos, there were cover targets set up.

Senator HUGHES. Admiral, can you tell me, then, why on earth we were doing this with TAC air bombing west of the Mekong River in that period? When they bombed west of the Mekong River they were using coordinates in another area of Cambodia close to the target, and I have never been able to figure out yet who they were trying to confuse by that.

Admiral MOORE. Sir, if I could relate the background, I can explain it to you, I think.

Of course, the Lon Nol Government had come into power. After the cross-border operations were terminated on June 30—that is when the U.S. forces went into Cambodia and then were withdrawn from the sanctuary areas—air operations continued in Cambodia because the North Vietnamese were continuing to infiltrate south along the Mekong, and down Highway 13, which runs north and south along the east side of the Mekong River.

Then the North Vietnamese deployed the elements of a division across the Mekong River and attacked Cambodian forces; and in addition to that, shifted their line of supply over to Highway 12, which was west of the Mekong. In late May 1970, operating authority was granted to conduct air interdiction as far as 200 meters west of the Mekong. Reporting under this authority was through regular channels. In the middle of June 1970, special operating authorities granted permission to strike west of this May 24, 1970, area under limited circumstances. Strikes under this authority were to be reported by special communications channels. This may be why they had cover targets.

Senator HUGHES. You were bombing in support of the Cambodians, then, west of the Mekong?

Admiral MOORE. We were bombing LOC's; that is, the supplies that the North Vietnamese were bringing down the river, some of them coming back across the river and ultimately into South Vietnam. This was part of the general supply efforts of the North Vietnamese, which

Senator SYMINGTON. General, is it your position that you did not realize that the data from the JCS record bank was not correct?

General WHEELER. The logistics data and other material of that kind were put into the automated data bank. The incorrect element was the location of the raids; everything else was correct.

Senator SYMINGTON. On the falsified reports, who prepared and authorized the OPREP-4 reports? Were they not sent by the SAC commander in Guam and U Tapao?

General WHEELER. The OPREP reports were prepared for this particular operation by the SAC Headquarters in Guam, and transmitted over the wide distribution as prescribed. It is a normal distribution.

Senator SYMINGTON. Were those commanders not aware that the targets reported as struck in the OPREP-4's had not in fact been struck?

General WHEELER. I think that probably the SAC commander on Guam was aware, but I doubt if anybody else was.

Senator SYMINGTON. Did not those commanders of the air crews—the pilot and the navigators—expect alternate targets?

General WHEELER. There was an element in that headquarters that knew about them.

Senator SYMINGTON. Therefore were not the OPREP-4's falsified?

General WHEELER. I don't believe so, sir. They came in based upon the information of fuel expended, bombs expended, time over targets; and I suppose the coordinates must have been incorrect, if they are a part of an OPREP-4, I am not quite sure.

Senator HUGHES. They are.

Senator SYMINGTON. In the discussion of February–March 1969 were the special security procedures discussed?

General WHEELER. Only the fact that the President had prescribed the tighter security and secure means of transmitting reports and requests.

Senator SYMINGTON. Who else was in on those discussions?

General WHEELER. There would have been Secretary Laird; I am sure that Dr. Kissinger was there; and I imagine that the Secretary of State was there on some occasions, and the Director of Central Intelligence Agency.

Senator SYMINGTON. Do you think that General Lavelle was improperly punished?

General WHEELER. I don't think I should make a judgment on that.

Senator SYMINGTON. Do you think that the situation is different with General Lavelle as against this particular situation?

General WHEELER. I think it is entirely different.

Senator SYMINGTON. Why?

General WHEELER. Because, as I said, there was no element of intent to deceive the proper authorities by any manner or means.

Senator SYMINGTON. We didn't know anything about it—aren't we part of the proper authority in the Constitution?

General WHEELER. Senator, as I said, I understood that Members of the Congress were going to be informed of this operation. And I assumed that they were. I can only say that I see no reason not to inform the committee a little more widely.

Senator SYMINGTON. You and I were pretty good friends, why didn't you tell me about it?

General WHEELER. Sir, I was enjoined not to.

Senator SYMINGTON. The Secretary of the Air Force is a pretty fine man, why did you not tell him about it?

General WHEELER. I was not empowered to tell him.

Senator SYMINGTON. And what is the difference between a man at a very high level giving out this information and a man being punished at a much lower level for giving out this information?

General WHEELER. Are you speaking of General Lavelle now?

Senator SYMINGTON. I am speaking of General Lavelle or whoever it was that ordered secrecy, what is the difference, at whatever level they are, if they are ordered to give out this information?

General WHEELER. I think right there the matter of intent to deceive comes in; General Lavelle, as I understand—and believe me, I don't know the details of that case by any means, because I didn't follow it that closely—undertook this operation with intent to deceive his superior officers. In this case, the command from the highest level enjoined us to secrecy. There was no intention to deceive anybody; all we wanted was security.

Senator SYMINGTON. He got the security by giving out misinformation. That gets increasingly clear as you go through these hearings.

General WHEELER. I don't see where he gave—

Senator SYMINGTON. I don't see any difference, regardless of who you are or where you are, if you give out this information, I think if people are punished for it at one level they should be punished for it at another.

Were you ever a part of any discussion with high level Government officials about whether Congress should or should not have been informed?

General WHEELER. No, sir.

Senator SYMINGTON. Did you know if Congress was ever notified in writing of those missions against Cambodia at the time they were going on, on any basis of any kind?

General WHEELER. Not that I know, Mr. Chairman.

Senator SYMINGTON. Was any information about those bombings ever given in detail to the Congress, or was it merely in the context of discussing other matters that there was some bombing going on in the Cambodian border area?

General WHEELER. I don't know what details might have been provided by certain people. I certainly would have provided none.

Senator SYMINGTON. Do you believe that Congress was fully and effectively informed about this bombing, or was it only mentioned in such a way as to provide an excuse if anyone later inquired whether Congress had been informed?

General WHEELER. I don't know in what detail the Members of the Congress were informed, Mr. Chairman. So I find it difficult to make a judgment.

Senator SYMINGTON. Thank you.

If the question of informing Members of Congress was discussed at the decision meeting, as you said it was, what was said on that question?

General WHEELER. I can't remember the details, Senator. After all, if I may apologize for myself, this was 4½ years ago, and my memory is simply not that good. My notes do not reflect it—and my notes, by the way, are also very sketchy because of security. They

when Senator Hughes told me that he wanted to question General Brown about it. The first time I listened to it was Friday. The first time I have seen it was today.

There have been some newspaper stories. I would read this letter into the record that I just received this morning from the Secretary of Defense dated July 16 to me as acting chairman. I ask unanimous consent that the letter be made part of the record at this point. [The letter follows:]

THE SECRETARY OF DEFENSE,
Washington, D.C., July 16, 1973.

Hon. STUART SYMINGTON,
Acting Chairman, Armed Services Committee,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: During the Friday hearing on the confirmation of General Brown it is my understanding that certain questions were raised concerning air operations prior to 1970.

Although I have not had an opportunity to review thoroughly the testimony, I would point out, as General Brown did, that prior to May 1970 B-52 strikes occurred in border areas between Cambodia and South Vietnam. As you are aware, enemy units sought sanctuary in certain border areas from which they could launch renewed attacks against American forces in South Vietnam.

These air operations across the border had been conducted for some period of time and were fully authorized. The authorization was made after careful consideration, and upon determining that the air operations were in the interest of United States objectives in South Vietnam, particularly for the protection of lives of Americans serving in our forces there. At this period of time you will remember over one-half million men were stationed in South Vietnam. Because of the sensitive operational and diplomatic situation, special security precautions were taken to ensure that the operations would not be compromised.

It is my hope this information will be helpful and please be assured that representatives of the Department of Defense are available to brief in greater detail on these operations should you so desire.

Sincerely,

JAMES R. SCHLESINGER.

Senator SYMINGTON. In addition, I have received this morning a letter dated today from Gen. George S. Brown, U.S. Air Force, Commander, Air Force Systems Command.

[The letter follows:]

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS, U.S. AIR FORCE,
Washington, D.C., July 16, 1973.

Hon. STUART SYMINGTON,
Acting Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I welcome the opportunity to amplify my testimony before your Committee on July 13 concerning air operations in Southeast Asia and to address additional questions provided by Senator Hughes. As you are aware, there were certain classified operations in which I was not directly involved.

The questions which are answered below address B-52 operations in Cambodia and the reporting of these operations.

I do not believe it is correct to characterize reports under special security precautions directed by higher authority as "false." So long as the reports met in every detail the requirements imposed, they were not intended to deceive those with a security "need-to-know." The reason why special security precautions were directed was not a reporting issue so long as the responsible higher authority knew in fact what was done and judged it to be in accord with instructions.

I would like to repeat the point I tried to make in my testimony. The Cambodian B-52 strike plans were, to the extent of my knowledge then and now, developed by MACV and approved by higher authority. I was aware that higher authority had emphasized to COMUSMACV the need for extraordinary security measures during the operation to include reports of results. I have no reason to doubt that the MACV targeting, execution and reporting were in accordance with these instructions. I believe that proper, accurate information went to the authorities

we, can, General—I want you to know what was said yesterday, is the only reason I interrupted you, so that we will have the whole picture of it.

General ABRAMS. With what I know now and what I knew then, I do not know of anything that we did that was going to require somebody to make a false report.

Senator HUGHES. That is what I do not understand either. You had authority for what you were doing.

Senator SYMINGTON. When you were directed to keep this bombing on a close-hold basis, either someone in your command devised a system or you were directed from higher headquarters, it has to be one or the other, does it not?

General ABRAMS. Remember, SAC was not in my command.

Senator SYMINGTON. But the people in your command would have had to be executing a falsification of the record when the strikes came from TACAIR, would they not?

General ABRAMS. TACAIR strikes west of the Mekong?

Senator SYMINGTON. Yes.

General ABRAMS. I reported to the Chairman, JCS and CINCPAC when those strikes occurred and where they occurred. And that was factual and it was true. They were not included in the OPREP 5, which as I understand it is a summary, they were not included in OPREP 5 by direction from the chairman to me.

Senator HUGHES. General, if the Senator would yield, yesterday Mr. Moses testified that the false coordinates were entered in the OPREP 4's.

Senator SYMINGTON. I wish you would do this for us, if you would go back and get whoever is involved in this that you know, and get us the story as to how this happened—I think that is important—as soon as is convenient, and let us know just how this situation got mixed up to this extent.

I yield back my time.

Senator HUGHES. If I could read back from the Lavelle hearings, General, some quotes from you in relationship to this problem—I am not trying to question anything you have said, but to further clarify it. And this is you speaking:

I did talk with him [General Lavelle] and said, we just cannot have a military organization where you are requiring people to falsify reports.

Mr. WOOLSEY. Did you have a staff in MACV that worked especially on that problem of monitoring OPREP 3's and OPREP 4's?

General ABRAMS. Yes.

Mr. WOOLSEY. For the purpose of developing whether there have been violations of the rules?

General ABRAMS. Yes.

Earlier I asked a question:

Senator HUGHES. You have never authorized or agreed to any strike except for the guidelines that you understand were given as directives by the Pentagon to the U.S. commander?

General ABRAMS. That is right.

You had full authority, and your answer is truthful in this as it has been here today. My question is that Mr. Moses testified yesterday about the falsification of OPREP 4's, calling Saigon, the 7th Air Force Command, getting the false coordinates to enter into the TACAIR strikes, which were obviously those special strikes west of

Paris, and bring the war to a close. This was a part of his actions to do that.

Senator THURMOND. Do you feel that was a wise decision on the part of the President to approve the request of the field commanders to help to bring the Vietnam war to a close?

General WHEELER. I do, sir.

Senator THURMOND. General, the chairman referred to false reporting. In simple words, what do you know about false reporting? Do you feel there was false reporting there or not?

General WHEELER. I do not, sir. I do not think this was false reporting. It is quite true that one thing that went into the automated data bank was erroneous; that is, the location of certain of the strikes, which were shown as being in South Vietnam when they were actually in the border area of Cambodia. But I assure you, Senator, that no one was ordered to make a false report. I wasn't directed to by the President or by the Secretary of Defense, nor did I direct anybody in the field to make a false report.

Senator THURMOND. Did the President order any false reporting?

General WHEELER. No, sir.

Senator THURMOND. Did the Secretary of Defense order any false reporting?

General WHEELER. No, sir.

Senator THURMOND. Did the Joint Chiefs of Staff order any false reporting?

General WHEELER. No, sir.

Senator THURMOND. Was it really considered false reporting, or was it considered a matter of protection to keep the enemy from knowing what you were doing?

General WHEELER. First, we had to have operational information on a need-to-know basis in order to provide those in the command chains properly constituted authority, with information as to what was requested from the field, and what was done, without causing a diplomatic incident. In other words, this was a diplomatic, not a military, move, in my judgment.

Second, we had to maintain the normal flow of what the Air Force called OPREP-4 reports in order for us to have replacements or data for replacement of bombs expended, fuel expended, spare parts worn out, and so on. Moreover, everybody knew that we were generating some sixty B-52 sorties per day; and had these sorties not been flown, or had the information not come out on the OPREP-4 report, which has a very wide distribution, this would have immediately generated questions in many sectors, and undoubtedly the secrecy of the operation would have been destroyed.

Senator THURMOND. I want to ask you this question. Did the military consider that they were a false reporting to try to deceive somebody, or were they following a course during a secret military operation that they thought would save American lives?

General WHEELER. We weren't trying to deceive anybody, Senator. We didn't deceive anybody—we didn't deceive Prince Sihanouk; we didn't deceive the enemy, because he knew he was being bombed; and we certainly did not deceive the President or the Secretary of Defense or those others in the chain of command. I would say that the information which was provided to everyone who needed it was

made clear in my statement we have every intention to transcend. If we succeed in implementing what I have described here, a condition of confidence would be created between the committee and the executive branch so that such an event would be inconceivable.

In any event, no matter what the relationship is between the committee and the executive branch, I would not consider it appropriate to mislead the committee as to any matter of foreign policy.

Senator CASE. My time is up, Mr. Chairman. Thank you.

The CHAIRMAN. Senator Symington.

COMMENDATION OF WITNESS

Senator SYMINGTON. Dr. Kissinger, I join my colleagues in commending you for a fine statement this morning.

WITHHOLDING OF INFORMATION CONCERNING CAMBODIAN BOMBING

When your nomination for this position was announced, I made a short statement stating I would like to talk to you about executive privilege, which has already been discussed; wiretapping, which has already been discussed. I may have several questions to ask on those matters later on, but in this round I would talk about a subject we worked on during the recess in another committee.

Testimony before the Senate Armed Services Committee revealed that the bombing of Cambodia, which began in March of 1969, was deliberately held secret, not only from the American public but from the relevant committees of Congress.

Did you approve this withholding of information regarding the extension of the Indochina war?

Mr. KISSINGER. Senator, let me answer your question first and then let me perhaps add a sentence or two to it.

First, as Presidential assistant and administrator of the National Security Council system, it was not my role to approve it or disapprove it at that time. Therefore, the technical answer to your question is that this was not my function in the early stages of the administration.

Nevertheless, I do not want to mislead the committee. I was in agreement with the policy that was then being pursued, and I believed then, and must say in all honesty that I believe now, that the action itself was correct.

I do not accept the proposition that it was an extension of the war into Cambodia as such. The circumstances were that we were confronted with a massive North Vietnamese offensive, in which our casualties were 1,300 a month, in March, in violation of the agreement on the bombing halt. When the agreement to halt the bombing was made in November 1968, all the senior officials of the then administration pointed out that if there were any violation they would resume the bombing of North Vietnam.

We waited for 4 weeks before we took any major action. There were several Presidential warnings in press conferences, and, I repeat, our casualties were 1,300 a month.

There were some 50,000 North Vietnamese troops shuttling back and forth across the Cambodian frontier, engaging in combat operations with our troops, and inflicting heavy casualties.

Thank you, Mr. Chairman.

[The information referred to follows:]

RESPONSE TO SENATOR SYMINGTON'S REQUEST THAT DR. KISSINGER CLARIFY HIS
DISAGREEMENT WITH THE PREMISE OF SENATOR SYMINGTON'S QUESTION

[Supplied by Executive Office of President]

I do not accept the premise that there was deliberate deception in either case. To the best of my knowledge, there was no such intent. The policy of no formal public acknowledgement was for positive diplomatic reasons. Congressional leaders were informed about CIA activities in Laos and the bombing in Cambodia. More thorough and systematic procedures for such consultation would have been desirable. It is my intention, if confirmed, to improve the flow of information to the Congress.

The CHAIRMAN. We will recess for 5 minutes. There is a vote on in the Capitol. We will be back in 5 minutes.

[Short recess.]

The CHAIRMAN. The committee will come to order.

The next member is Senator Javits.

Senator JAVITS. Mr. Chairman, my time will not start to run until we have a witness.

The CHAIRMAN. I did not know he was not here.

The committee will come to order.

Senator Javits is recognized.

MOST HISTORIC ASPECT OF HEARING

Senator JAVITS. Dr. Kissinger, one thing has not been noted this morning which may in a way be the most historic aspect of this hearing. I refer to your statement in your press conference of August 23:

There is no other country in the world in which a man of my background could be even considered for an office such as the one for which I have been nominated, and that imposes on me a very grave responsibility which I will pursue in the national interest.

Dr. Kissinger, you are an immigrant refugee naturalized American. Though you are in the line of succession, you lose one of the prerequisites of this office. You cannot be President. And yet, I can think of nothing which proves the American system to all the people in the world more validly than by sheer talent and energy and patriotism you have attained the most exalted place in the Cabinet, and one of the most exalted places in the Government of the United States, and you still are in the fullness of your powers. I know every one of us bespeaks for you the fruition of that historic first in this country, with a historic and legendary incumbency as Secretary of State, as I hope you will be quite soon.

My questions relate to matters of broad interest in which we are all engaged. They are substantive.

SHARING OF WAR POWERS

My colleagues, I think, have begun very appropriately to explore the wiretapping incident. I know how deeply troubling that has been to you as a man. Questioning has begun on the executive privilege question which is critical. I will go into that myself somewhat later.

But the problem that we faced in March 1969 was to do something that was significant without resuming the bombing of the North, which we were not prepared to do at that time.

Senator SYMINGTON. I do not mean to interrupt you, but we have been through that. When the bombing was discovered and all the reasons were given as to why it was done, I asked if you approved it.

Mr. KISSINGER. I just wanted to make clear it was not a bombing of Cambodia, but it was a bombing of North Vietnamese in Cambodia.

WHO SET POLICY OF DECEPTION IN MOTION?

Senator SYMINGTON. Who in the White House set this in motion, this policy of not telling about the bombing of Cambodia, starting in March of 1969, this policy of deception?

Mr. KISSINGER. Senator, in the hearings before your committee, there were two issues of so-called deception raised. One was the double bookkeeping that was engaged in in the Air Force, and the other one was the cover stories that were used with respect to the bombing. Now one thing that I do not think has been brought out in the hearings sufficiently was that when the bombing first started it was intended as a series of individual acts. For example, there was only one attack in March, two attacks in April, and two attacks in May.

Senator SYMINGTON. There were more than that. But the point I am trying to make is who approved it, who was the one who directed it?

Mr. KISSINGER. There were more sorties, but there were only those days on which the attacks took place.

The double bookkeeping we never had any knowledge of, though in retrospect I must say that, given the requirements of security that were imposed, perhaps one should have asked oneself the question how these raids were going to be accounted for. But we had no knowledge of the double bookkeeping.

On the cover story, at that National Security Council meeting that approved the first operation, which was the only one that was approved then, it was agreed that the formal press guidance would be that there were attacks taking place northeast of Tay Ninh, without specifying their exact location. We would neither agree with nor deny any accusations that they were in Cambodia, but we would say they would be investigated; if the Cambodian Government protested, we would apologize, and would admit that it had taken place. This was the press guidance that was agreed to at this National Security Council meeting, and it is to my knowledge the only press guidance that was ever discussed at the White House level.

Senator SYMINGTON. You said it was directed. Who directed it?

Mr. KISSINGER. What do you mean, Senator?

Senator SYMINGTON. Who directed the secrecy with respect to the bombing as well as the bombing itself?

Mr. KISSINGER. General Wheeler has testified before your committee that the secrecy had been ordered by the President but there was unanimity within the National Security Council that it should be kept secret for the reasons that have been given.

General WHEELER. At that particular time there was certainly an understanding that certain Members of the Congress would be informed——

Senator SYMINGTON. If the Senator would yield.

Senator HUGHES. Yes.

Senator SYMINGTON. Who was informed? You said they were informed. Who did you mean by "they"?

Senator HUGHES. I assumed he meant Secretary Laird and Dr. Kissinger.

Senator SYMINGTON. The committee members?

General WHEELER. I do not know of my own knowledge, sir. Since that time I have had hearsay as to the names of the individuals being informed. But it is only hearsay. I got this information as late as last week.

Senator SYMINGTON. If it is only hearsay I won't proceed.

General WHEELER. I say, it is hearsay; I got it from Mr. Laird and Dr. Kissinger, but that would be hearsay coming from me.

Senator HUGHES. However, it is not likely, Mr. Chairman, that we are going to get Dr. Kissinger before this committee to testify about this. And I think I am going to ask him about the hearsay.

Senator SYMINGTON. Who did Dr. Kissinger and Secretary Laird tell you that they informed over here in the Congress?

General WHEELER. Dr. Kissinger did not put into the fact context that he had informed the following people, but he said the following people had been informed.

Senator SYMINGTON. But he said he hadn't done it?

General WHEELER. He didn't say either he had or had not, Senator.

Senator SYMINGTON. All right, but someone did.

General WHEELER. Senator Russell, Senator Stennis, Senator Dirksen, Mr. Rivers, Mr. Arends, and Mr. Ford are the people that I would recall Dr. Kissinger's saying as having been informed.

Senator SYMINGTON. The minority leaders of the House and Senate had been informed, but the majority of Congressmen and Senators had not?

General WHEELER. I can't say, sir. This is what Dr. Kissinger told me.

Senator HUGHES. What did Secretary Laird tell you?

General WHEELER. Approximately the same thing, sir.

Senator HUGHES. Did he say he had informed them? You said Dr. Kissinger.

General WHEELER. He said that they had been informed.

Senator HUGHES. I want to know if Secretary Laird said they were informed.

To the best of my knowledge—this is about 10 days ago—he said that about the same members having been informed; he added one person, namely the chairman of this committee. I happened to look into that, and I found that this was not the case.

Senator SYMINGTON. Excuse me. When you say the chairman of this committee—

General WHEELER. I mean you, sir.

Senator SYMINGTON. You mean me. I want the record to show that at no time did anybody ever tell me that we were using B 52s to bomb Cambodia in the year 1969 or 1970.

Senator HUGHES. Well, I go back, General Wheeler. You said that Secretary Laird had said that those men had been informed.

said was absolutely correct; and when he became Chief, I am sure he became aware of this operation.

Senator HUGHES. Mr. Secretary, or Mr. Chairman, I do not know who is the appropriate one to address the question to, so whoever wishes to respond can. Could you state for the record of your own knowledge who the Members of Congress were that were briefed on the Cambodian bombing before it began or when it began, and with the date that briefing was given, and how they were informed, and who briefed them.

Admiral MOORER. Sir, here again, I think that anything I say would be hearsay. In other words, I was not present during the briefings; neither did I decide who should be briefed. Again, I go back to my statement and point out that the Joint Chiefs of Staff do not engage in policy formulation with respect to these matters. I have heard that the chairmen of the committees, namely, the Armed Services and the Appropriations Committees, were briefed, sir, as well as some other individuals, such as Mr. Jerry Ford and Mr. Arends. I talked to Senator Symington on the telephone informally, and I told you all that I know, sir. I have not learned anything since then.

Senator HUGHES. Mr. Chairman, my time has run out. But I want to make a formal request of the Secretary and the Joint Chief to furnish the committee with the name of the briefing officer, who was briefed, how it was conducted, when it took place, and all the details in relation to informing the Congress, as you saw it at that time, and the names of the Members of Congress who were briefed, or however they were informed.

Mr. CLEMENTS. In whatever manner, Senator?

Senator HUGHES. In whatever manner.

Mr. CLEMENTS. Because a good many of these people were briefed, as I understand it, personally by various people in the White House as well as at the Department of Defense on the civilian side. It was not a briefing officer at all who did this. So you are talking about all inclusive?

Senator HUGHES. All inclusive. I want to know how this happened, and what information they were given, who did it, and when, the dates when they were notified.

[Information appears in second and third paragraphs on page 489. This is in the Department of Defense Report on Southeast Asia and Ground Operations in Cambodia and Laos, dated September 10, 1973.]

Mr. CLEMENTS. We will do our best in this regard. But, of course, you realize that reconstructing this 3 years later is a very difficult task, and in a good many instances we will have the people and the places, but perhaps not the date except in an approximate sense. And I am sure you appreciate this.

Senator HUGHES. Do the best you can, Mr. Secretary.

Mr. CLEMENTS. Admiral Moorer is correct, and we need to emphasize that. I do not think there was a formal briefing in the sense that you are perhaps using the term.

Senator HUGHES. I do not either, I agree with you.

Mr. CLEMENTS. Fine.

Senator HUGHES. I am just trying to find out how this information was given, whether someone whispered in someone's ear at a dinner in the White House some night, someone who had been inside South-

Admiral MOORER. Let me just repeat a sentence in my statement, and that is the Joint Chiefs of Staff do not exercise a policy function in any congressional and public relations matter of the Department of Defense. That is point one.

And any time that you ask me a question or any members of the committee ask me a question while I am a witness on this subject, I assure you I would tell you everything I know. I am only making the point that this operation was conducted under orders to maintain maximum security, and that in order to fill the dual requirement of information for efficient conduct of operations on the one hand and for efficient logistical management on the other, this particular procedure was adopted.

Mr. CLEMENTS. Mr. Chairman, may I say something in this regard, please?

Senator SYMINGTON. Secretary Clements.

Mr. CLEMENTS. I want to make it very clear here that the then Chairman, General Wheeler, and then Admiral Moorer, were acting under the authority of the Secretary of Defense, with the full knowledge of the Secretary of Defense, and in fact they were conducting this operation in a manner that it was considered appropriate and prudent. I would further remind you, Mr. Chairman, that on the basis of the then existing procedures within the Congress and this committee, the chairman of the committee was fully informed.

Senator SYMINGTON. There was no agreed procedure of that kind at all.

Mr. CLEMENTS. I think under the circumstances——

Senator SYMINGTON. There is no rule of this committee that justifies that statement. Are you saying that the Secretary of Defense orders you to falsify reports as Chairman of the Joint Chiefs?

Mr. CLEMENTS. He was fully informed as to the procedures involved.

Senator SYMINGTON. Let me ask Admiral Moorer, Are you saying that the Secretary of Defense ordered you to falsify reports?

Admiral MOORER. No, sir, because I was not, as you well know, Chairman at that time, and you will have to let General Wheeler answer that specific question. I will say that the directive was to maintain maximum security, Mr. Chairman.

Senator SYMINGTON. My time is up, Admiral. I would like to ask one more question. Are there any cover operations that are going on now in Southeast Asia under the direction of the Joint Chiefs of Staff where the computer bank from the Joint Chiefs is operating on the basis that we will not have the facts before this committee?

Admiral Moorer. Not to my knowledge, sir. We are in the process of trying again to refine and detect any errors in this statistical bank, which, as Secretary Clements said, was 83 pages; it covers millions of sorties. And if we detect anything of that kind, I assure you that they are reported to you. I believe Mr. Clements reported to you the last numbers that were uncovered on Monday.

But let me give my personal assurance, Mr. Chairman, that if anything further of this nature turns up you will be so informed, and I will be happy to talk to all members of the committee about it.

Senator SYMINGTON. I appreciate you saying that, because you would not want us to rely on the computer banks when you yourself this morning said the computer bank was inaccurate, or at least, was responsible for the falsification.

in which it was perfectly easy for him to have pointed out—letters he was writing to the President during this period, or a press conference which he gave on May 13, 1969, in which he specifically denied any knowledge of B-52 bombing, which is on the public record.

Senator McGOVERN. I would be interested in examining that evidence, Dr. Kissinger. But even if it bears out what you say about Prince Sihanouk, it does not speak to the question, as far as I am concerned, of why the Congress was bypassed on a military operation of this kind, without reference to the sensibilities of Prince Sihanouk. We would like to have a Constitution that lodges the war powers or at least a portion of it in the Congress of the United States. There must have been some recognition of that involved in the decision to inform certain selected Members of the Congress. Was there not at least a semblance of a recognition by the administration that somebody here in the Congress should know about the bombing?

Mr. KISSINGER. Of course, and that is why selectively Members of the Congress were informed about it. I did not myself select the Members. I was too new in Washington to know who were the appropriate people in Congress, but certainly they were informed about it.

SELECTIVE INFORMING OF MEMBERS OF CONGRESS QUESTIONED

Senator McGOVERN. In view of the fact that it was a fundamental foreign policy matter, do you not think it was curious, to say the least, that neither the chairman nor the ranking member of this committee were among those who were informed about the bombing, nor the chairman of the House Foreign Affairs Committee?

Mr. KISSINGER. I would say that if information in the future is given to Members of the Congress on any matter, the selection should be more systematic.

Senator McGOVERN. I would certainly agree with that.

WITNESS' OCTOBER 25, 1972, POSITION AND LATER HEAVY AERIAL BOMBARDMENT

On another matter, Dr. Kissinger, last October 25 you held a celebrated press conference in which you reported that peace was at hand in Vietnam. You went on to explain, in answering reporters' questions, that there were a few minor differences yet to be worked out, some semantic problems and language difficulties, but that in all probability one more negotiating session would iron out these difficulties.

How would you explain that position in light of the subsequent decision, some 30 days after the election was over, to engage in very heavy aerial bombardment of North Vietnam, and also Cambodia and Laos? Did you anticipate that possibility at the time you were indicating that maybe one more negotiating session would end the war?

Mr. KISSINGER. What I said in that press conference was my sincere conviction. I believed that we had an agreement whose main outlines and most of whose details were essentially acceptable.

I believed also we had the problem at that time of preventing a situation similar to that which existed in 1969, in which, with the imminence of an election, one of the parties to this negotiation would begin and perhaps would end a negotiation that had gone on for 4

Thank you, Mr. Chairman.

[The information referred to follows:]

RESPONSE TO SENATOR SYMINGTON'S REQUEST THAT DR. KISSINGER CLARIFY HIS
DISAGREEMENT WITH THE PREMISE OF SENATOR SYMINGTON'S QUESTION

[Supplied by Executive Office of President]

I do not accept the premise that there was deliberate deception in either case. To the best of my knowledge, there was no such intent. The policy of no formal public acknowledgement was for positive diplomatic reasons. Congressional leaders were informed about CIA activities in Laos and the bombing in Cambodia. More thorough and systematic procedures for such consultation would have been desirable. It is my intention, if confirmed, to improve the flow of information to the Congress.

The CHAIRMAN. We will recess for 5 minutes. There is a vote on in the Capitol. We will be back in 5 minutes.

[Short recess.]

The CHAIRMAN. The committee will come to order.

The next member is Senator Javits.

Senator JAVITS. Mr. Chairman, my time will not start to run until we have a witness.

The CHAIRMAN. I did not know he was not here.

The committee will come to order.

Senator Javits is recognized.

MOST HISTORIC ASPECT OF HEARING

Senator JAVITS. Dr. Kissinger, one thing has not been noted this morning which may in a way be the most historic aspect of this hearing. I refer to your statement in your press conference of August 23:

There is no other country in the world in which a man of my background could be even considered for an office such as the one for which I have been nominated, and that imposes on me a very grave responsibility which I will pursue in the national interest.

Dr. Kissinger, you are an immigrant refugee naturalized American. Though you are in the line of succession, you lose one of the prerequisites of this office. You cannot be President. And yet, I can think of nothing which proves the American system to all the people in the world more validly than by sheer talent and energy and patriotism you have attained the most exalted place in the Cabinet, and one of the most exalted places in the Government of the United States, and you still are in the fullness of your powers. I know every one of us bespeaks for you the fruition of that historic first in this country, with a historic and legendary incumbency as Secretary of State, as I hope you will be quite soon.

My questions relate to matters of broad interest in which we are all engaged. They are substantive.

SHARING OF WAR POWERS

My colleagues, I think, have begun very appropriately to explore the wiretapping incident. I know how deeply troubling that has been to you as a man. Questioning has begun on the executive privilege question which is critical. I will go into that myself somewhat later.

that he had relied upon the information so furnished by the student or his family? Would such a letter received from a lending institution from whom the student sought a loan be equally acceptable in the same circumstances? Would a notation, however informal, written by a student aid officer to record information furnished him in a telephone communication with a student or his family or with an official of a lending institution similarly be deemed adequate documentation?

We would appreciate an immediate response to these questions. If your answers are in the affirmative, we will undertake to secure the same instructions to the GAO auditors.

Chairman Perkins of the House Committee, and members of the Senate Labor and Public Welfare Committee have indicated to you and to us their deep interest in a speedy resolution of this problem.

Very truly yours,

JAMES G. O'HARA,
Chairman.
JOHN DELLENBACE,
Ranking Minority Member.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., August 1, 1973.

HON. JAMES G. O'HARA,
House of Representatives,
Washington, D.C.

DEAR MR. O'HARA: Thank you for your letter of July 27, 1973, in which you set forth many of the questions and concerns regarding current procedures for the Guaranteed Student Loan Program which were raised at the July 26 hearing and in further discussions with Mr. Muirhead. I am hopeful that the information which follows will clarify the position of the Office of Education with respect to the total process of determining need, including the adjustments which can be made and the documentation required.

I should point out that the determination of need under all the financial aid programs has traditionally involved an adjustment process. The existing needs analysis services such as those provided by the College Scholarship Service and the American College Testing Program, the two largest systems, provide only an estimate of a family's ability to pay. The judgment of the financial aid officer is indispensable in determining the amount of financial support that can be contributed for a specific individual. The inherent flexibility in needs analysis is well stated in the instructions provided for the College Scholarship system:

Although accurate, objective data constitute the basis for systematic need analysis, the resulting expected contribution should not be considered scientifically accurate. Complexities in an individual's financial circumstances and difference in attitudes toward education will require that an aid officer make adjustments in order to determine the appropriate contribution from the student. In doing this, he must evaluate both the objective and subjective information available to him from all sources. A system of need analysis must always be a guide for judgment, not a substitute. A financial aid officer has a professional responsibility to make equitable judgments about each individual. If he simply accepts the computed need as an "answer" from a systematic need analysis, he shirks his responsibility to the institution and the student.

On Section III A of form 1260 the amount of a student's family contribution as computed by a uniformly applied needs analysis system is entered and no further documentation is required. Section III B is provided to permit a student financial aid officer to exercise his judgement and take into account

the individual circumstances of a student or his family.

The circumstances in which the financial aid officer is permitted to make adjustments are basically those provided in the 7 codes in the instructions to Form OE 1260. For code 6, "cannot meet expected contribution from income", the situation you have outlined on the top of page two of your letter would certainly be reasonable. In this case, there would be no question that the Office of Education would support the institution in any case where an auditor took exception to the action of the student financial aid officer.

There are any number of ways in which such adjustments can be documented. For example, letters from a student or from a member of his family would be sufficient documentation if the student aid officer noted thereon or in a separate document that he had relied upon the information so furnished by the student or his family; or a letter received from a lending institution from whom the student sought a loan would be equally acceptable in the same circumstances. A notation, written by a student aid officer to record information furnished him in a telephone communication with a student or his family or with an official of a lending institution would similarly be deemed adequate documentation provided the financial aid officer also wrote a letter of confirmation of the conversation to the appropriate party.

While the financial aid officer must always be the final authority in any system of needs analysis, he can only do this based on the information provided by the student and his family. The student is now required to execute an affidavit stating that the loan proceeds are to be used solely for expenses related to attendance at the education institution. The federal warning clause on both the application and the supplementary form applies to the student and his family. Naturally, the financial aid officer would not be held accountable if there were fraud on the part of the student or his family.

In conclusion, let me emphasize that the Office of Education is prepared to support the institution in any exception taken in the future by auditors where the financial aid officer has exercised his professional judgment and provided reasonable documentation of the type which I have described above for adjustments in the amount of family contribution. You have my full assurance in this regard.

Best wishes,
Sincerely,

JOHN OTTINA,
Commissioner of Education-designate.

QUESTIONS ON BOMBING OF CAMBODIA AND LAOS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. HEBERT) is recognized for 10 minutes.

Mr. HEBERT. Mr. Speaker, on July 25, 1973, the gentleman from Massachusetts (Mr. HARRINGTON) submitted a privileged resolution which was referred to the Committee on Armed Services. The resolution posed a series of 10 questions concerning the extent of the bombing of Cambodia and Laos, during the period January 20, 1969, through April 30, 1970.

Immediately, upon receipt of House Resolution 508 by the Committee on Armed Services, a written request was made to the Department of Defense for an expedited report on the questions raised in the resolution.

Subsequent to the introduction of

House Resolution 508, Mr. HARRINGTON introduced an identical resolution on July 31, 1973, House Resolution 519, for himself and a number of other Members. Also, on Wednesday, August 1, 1973, Mr. HARRINGTON again introduced an identical resolution, House Resolution 520, for himself and a number of other Members.

Set out below is a communication from the Department of Defense received by the Committee on Armed Services on Thursday, August 2, 1973. The communication is self-explanatory and responsive to the questions raised in the resolutions. I wish, however, to point out that since the response to question No. 5 is classified it can not be included in the public record. The details of the response to question No. 5 are, under Rules of the Committee on Armed Services, available to Members of Congress in the room of the Committee on Armed Services.

The Defense Department's letter and enclosure follow:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., August 1, 1973.

HON. F. EDWARD HEBERT,
Chairman, Armed Services Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Secretary Schlesinger has asked that I reply to your letter of July 26 which enclosed House Resolution 508.

Attached are specific responses to the questions raised in this House Resolution. As noted, some of these data are under continuing review and other information is not immediately available within the Department of Defense. We are reexamining many of these statistics and will provide your Committee with an update of them prior to the conclusion of the August recess.

In the interest of making this information available as widely as possible, all but one of these answers have been prepared in an unclassified form. The one classified question is, of course, clearly identified as such.

Sincerely,

JOHN O. MARSH JR.

ENCLOSURE: ANSWERS TO QUESTIONS POSED IN
HOUSE RESOLUTION 508, JULY 25, 1973

Some degree of error may be expected in the statistics provided herein, primarily as a result of imprecise location of borders and disputed claims. Deviation from earlier release figures may also be expected as a result of the continuing refinement of the data base.

Question: "(1) The number of sorties flown by United States military airplanes, for bombing purposes, over Cambodia and Laos during the period January 20, 1969, through April 30, 1970, distinguished by type of aircraft."

Answer: The following data are derived from that already provided to the Congress. They include the entire month of January, 1969. The data provided to the Congress do not permit a separate identification of sorties for the period 20-31 January 1969. We are continuing our review of these statistics to verify their accuracy. We expect that this review will result in changes to these data. Revised data will be submitted prior to the conclusion of the Congressional recess.

	Laos	Cambodia
TACAIR.....	191,402	72
B-52.....	8,520	3,630

Question: "(2) The tonnages of bombs and shells fired or dropped on Cambodia and Laos during the period January 20, 1969, through April 30, 1970."

Answer: The following data are derived from that already provided to the Congress. They include the entire month of January, 1969. The data provided to the Congress do not permit a separate identification of sorties for the period 20-31 January 1969. We are continuing our review of these statistics to verify their accuracy. We expect that this review will result in changes to these data. Revised data will be submitted prior to the conclusion of the Congressional recess.

	Laos	Cambodia
U.S. TACAIR	476,571	0
B-52	244,366	103,921

No U.S. naval gunfire was used in Cambodia or Laos. No records are available to provide the amount of U.S. artillery expended in the two countries during this period. It is believed to be negligible if any. Not in-

cluded in these figures are NVN ordnance expenditures nor ordnance expended by the opposing Laotian/Cambodian forces or other third country forces.

Question: "(3) The number and nomenclature of airplanes lost by the United States over Cambodia and Laos during the period January 20, 1969, through April 30, 1970."

Answer: U.S. Military Aircraft Losses in Cambodia and Laos 20 January 1969-30 April 1970

	Laos			Cambodia			Total
	Combat	Operational	Total	Combat	Operational	Total	
A-1	28	1	29	0	0	0	29
A-26	2	0	2	0	0	0	2
A-4	7	8	15	0	0	0	15
A-6	7	1	8	0	0	0	8
A-7	8	10	18	0	0	0	18
AC-130	2	0	2	0	0	0	2
B-57	3	0	3	0	0	0	3
C-130	1	0	1	0	0	0	1
CH-3	5	0	5	0	0	0	5
EC-47	2	0	2	0	0	0	2
F-100	16	0	16	0	0	0	16
F-105	19	0	19	0	0	0	19
F-4	53	2	55	0	0	0	55
HH-8	1	0	1	0	0	0	1
HH-53	1	0	1	0	0	0	1
O-1	0	0	0	1	0	1	1

	Laos			Cambodia			Total
	Combat	Operational	Total	Combat	Operational	Total	
O-2	6	1	7	0	0	0	7
OH-6	0	0	0	1	0	1	1
OV-1	1	0	1	0	0	0	1
OV-10	4	1	5	0	0	0	5
RA-3	0	1	1	0	0	0	1
RA-5	1	1	2	0	0	0	2
RF-4	8	0	8	0	0	0	8
RF-8	0	1	1	0	0	0	1
TA-4	2	2	4	0	0	0	4
U-1	0	0	0	1	0	1	1
UH-1	9	1	10	4	0	4	14
UH-2	0	1	1	0	0	0	1
YQ-22	0	1	1	0	0	0	1
Total	186	29	215	7	0	7	222

Question: "(4) The number of members of the Armed Forces of the United States killed, wounded, captured, or missing in action while participating in missions in or flights over Cambodia and Laos during the period January 1, 1965, through July 25, 1973, including the date of and the country in which the member of the Armed Forces was killed, wounded, captured, or missing in action during that period."

Answer: This information is not currently available in the Department of Defense. We have taken action to obtain this information. It will be provided to the Congress prior to conclusion of the August recess.

Question: "(5) The sources of intelligence permitting the identification of priority bombing targets in Cambodia and Laos during the period January 20, 1969, through April 30, 1970, including the number of reconnaissance sorties flown by United States airplanes and the names and number of units involved in the collection and processing of intelligence on the ground in or out of Cambodia and Laos to identify priority bombing targets in Cambodia and Laos."

Answers:

Committee Insert:

The answer to this question is classified SECRET by the Department of Defense.

The classified response to Question No. 5, in accordance with the rules of the Committee on Armed Services, is available for review and inspection by Members of Congress in the rooms of the Committee on Armed Services.

Question: "(6) Documents giving the best available estimate of civilian and military casualties incurred by Cambodia and Laos during the period January 20, 1969, through April 30, 1970, including the targets of bombing in Cambodia and Laos."

Answer: We have no documents which provide useful information on the totals of either civilian or military casualties in Cambodia or Laos during this time frame. Several factors prevented the maintenance of such records:

(a) Heavy jungle canopy precluded effective aerial photography.

(b) Heavy antiaircraft fire frequently prevented low flying observation craft from making post-strike reconnaissance.

(c) There were usually no on-scene ground observers to report casualties.

(d) Bomb damage reporting that does

exist is fragmentary, occasionally inconsistent, and inadequate to support any estimates of casualties.

(e) It is important to realize that many civilian casualties in both Laos and Cambodia have been caused by enemy forces.

Question: "(7) The cost incurred by the United States as a result of all bombing and shelling carried on by the United States in or over Cambodia and Laos during the period January 20, 1969, through April 30, 1970, including the costs of bombs and shells, ships, and airplanes employed in the transportation, and dropping and firing of such bombs and shells, maintenance of such ships and airplanes during such period, salaries of United States military personnel, during such period, involved in operating and maintaining such ships and airplanes, cost of equipment destroyed or damaged while participating in bombing missions over Cambodia and Laos, and all other expenses attributable to such bombing and shelling, during the period January 20, 1969, through April 30, 1970."

Answer: Based upon the fighter bomber and B-52 sorties data used for answers 1 and 2, the estimated total costs of these sorties are as follows:

[Millions of dollars]

Fighter bomber	\$1,204
B-52	343
Total	1,547

The costs of these sorties are based upon an average cost per sortie which includes such increments as fuel, bombs, maintenance and personnel. The costs do not include logistical support provided from the United States in support of operations, since these costs cannot be identified to specific combat operations. Also, an average cost for B-52 sorties has been used without differentiation between the origins of the sorties.

Also, the incremental costs of these sorties; that is, the differential between the cost of a combat sortie versus a peacetime training sortie is as follows:

[Millions of dollars]

Fighter bomber	\$49
B-52	74
Total	123

Again, average sortie costs have been used

and this calculation assumes that for training purposes essentially the same amount of sorties would have been flown by the aircraft in order to maintain combat proficiency.

Question: "(8) The names of the military and civilian authorities approving the decisions to undertake bombing in Cambodia and Laos during the period January 20, 1969, through April 30, 1970."

Answer: These operations were approved by the Commander-in-Chief.

Question: "(9) The names of the military and civilian authorities approving the decisions to maintain inaccurate files and information and to submit false documents to Congress concerning the bombing of Cambodia and Laos during the period January 20, 1969, through April 30, 1970."

Answer: The dual reporting system for these operations was established to maintain the security directed by senior civilian authorities. The procedures were developed by military authorities. The senior civilian in the Department of Defense in 1969 was the Honorable Melvin R. Laird, Secretary of Defense. The senior military officer was General Earle Wheeler, USA, Chairman of the Joint Chiefs of Staff.

No military or civilian authority made or approved a decision to submit false documents to the Congress.

Question: "(10) The names of the officials in the executive branch and Congress, as well as others outside of Government, who received correct and accurate information regarding the bombing of Cambodia and Laos during the period January 20, 1969, through April 30, 1970."

Answer: Attached are two lists of DOD personnel who had varying degrees of information on these operations. One list identifies key personnel for the Planning stage and the other identifies key personnel in the Execution stage.

Listed below are members of Congress advised of these operations. They were not briefed on a continuing basis throughout the operation: Senators Russell, Stennis and Dirksen; Congressmen Rivers, Arends and Ford.

We have no lists of personnel in other departments of the Executive Branch who had access to this information.

*Data not available.

KEY PERSONS HAVING ACCESS TO SPECIAL ARC LIGHT STRIKES—OPERATION MENU—PLANNING STAGE, THROUGH MARCH 17, 1969

OSD: Secretary Laird, Deputy Secretary Packard, and BGen. R. E. Pursley.

JCS: Gen. E. G. Wheeler, Gen. W. C. Westmoreland, Gen. J. P. McConnell, Adm. T. H. Moorer, Gen. L. P. Chapman, LGen. J. B. McPherson, Vadm. N. C. Johnson, LGen. J. C. Meyer, MGen. G. B. Pickett, BGen. J. E. Glick, Col. D. P. McAuliffe, Col. F. L. Smith, Col. G. D. Roberts, Col. R. B. Sitton, and Mr. P. M. Kearney.

CINCPAC: Adm. J. S. McCain, Jr.

CINCSAC: Gen. B. K. Holloway.

COMUSMACV: Gen. C. W. Abrams.

The scope and depth of participation by those on these lists varies considerably, all members of the Joint Chiefs of Staff were kept fully informed. However, they were not involved in planning or discussions outside DoD except when acting as CJCS. Gen. McConnell and Adm. Moorer were the only chiefs who were acting CJCS during the planning phase.

KEY PERSONS HAVING ACCESS TO SPECIAL ARC LIGHT STRIKES—OPERATION MENU—EXECUTION STAGE, MARCH 18, 1969, TO MAY 1970

OSD: Secretary Laird, Deputy Secretary Packard, Brig. Gen. R. E. Pursley, and Capt. D. J. Murphy.

JCS: Gen. E. G. Wheeler, Gen. J. P. McConnell, Adm. T. H. Moorer, Gen. W. C. Westmoreland, Gen. J. D. Ryan, Gen. L. P. Chapman, Lt. Gen. J. B. McPherson, Vice Adm. N. C. Johnson, Lt. Gen. J. C. Meyer, Lt. Gen. John W. Vogt, Rear Adm. M. B. Freeman, Brig. Gen. M. W. Kendall, Brig. Gen. C. A. Jackson, Brig. Gen. J. E. Glick, Col. D. P. McAuliffe, Col. F. L. Smith, Col. E. S. Harris, Jr., Col. R. B. Sitton, Col. B. L. Davis, Col. J. W. Pauly, Mr. P. M. Kearney, Lt. Col. P. R. Zavitz, Col. J. S. Mace, and Col. B. A. Monga.

CINCPAC: Adm. J. S. McCain, Jr.

CINCSAC: Gen. B. K. Holloway.

COMUSMACV: Gen. C. W. Abrams.

Eighth Air Force (SAC): Lt. Gen. A. C. Guillem.

ELECTRONIC EQUIPMENT QUALITY CONTROL BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Miss HOLTZMAN), is recognized for 10 minutes.

Miss HOLTZMAN. Mr. Speaker, I am introducing legislation today designed to remedy the serious need for quality control of electronic equipment sold in interstate commerce to public utilities.

The need for quality control was demonstrated most graphically last February 20 when a million people in Brooklyn were without electricity for 2½ hours because a fuse in a control circuit was one-eighth of an inch too short to make proper electrical contact.

But my study of the problem of shoddy or defective equipment indicates that it is not unique to my congressional district. To the contrary, it appears that blackouts caused by faulty equipment are being experienced throughout the country.

Electrical World Week, the journal of the electrical industry, reports the filing of at least a dozen major lawsuits in the past 4 years by public utilities throughout the country against manufacturers for failures of electrical equipment. Countless other utilities aggrieved by faulty equipment might have filed suit were it not for the resistance of the courts to the awarding of consequential

damages against manufacturers.

It is high time for the Congress to "gain the attention" of the manufacturers and demand an end to the shoddy equipment that threatens the reliable delivery of electricity to the Nation's consumers.

But serious as this nationwide problem is, little attention has been focused on it. As a result, there is no national quality control of the manufacture of electrical equipment purchased by public utilities—including the critical equipment used by nuclear powerplants.

For this reason, I am introducing a quality control bill that will expand the jurisdiction of the FPC to encompass the creation and enforcement of quality control standards in the electrical equipment field and the issuance of orders to manufacturers found to be in violation of those standards.

A text of the bill follows:

H.R. 9854

A bill to empower the Federal Power Commission to prescribe and enforce quality control standards with respect to the manufacture and testing of electrical equipment for sale in interstate commerce to public utilities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DEFINITIONS

SECTION 1. As used in this Act—

(1) The term "manufacturer" means a person engaged in the manufacturing or assembling of component parts into electrical equipment for sale in interstate commerce to public utilities.

(2) The term "public utility" means any person who engages in the sale of electric energy at the wholesale level in interstate commerce or whose business affects interstate commerce.

(3) The term "standard" means a minimum standard for electrical equipment performance and reliability prescribed by the Federal Power Commission.

(4) The term "Commission" means the Federal Power Commission.

POWERS OF THE COMMISSION

SEC. 2. (a) The Commission shall—

(1) promulgate standards with which manufacturers shall comply, for the manufacturing and testing of electrical equipment to be sold in interstate commerce and used by public utilities in the generation, transmission or distribution of electricity to consumers. Such standards shall be designed to insure proper functioning and durability of the equipment.

(2) hold a hearing upon receipt of evidence that a manufacturer is in noncompliance with said standards, and afford a fair opportunity for interested persons to testify and submit data.

(3) upon completion of said hearings, issue an order containing notice of a finding of noncompliance to any manufacturer found to be in violation of any standard prescribed under this Act. The Commission shall also notify any public utility and other manufacturers who ordered equipment from such manufacturer, or to whom such equipment was delivered or sold that such notice has been issued to such manufacturer.

(4) submit an annual report to the President and the Congress on the administration of this Act. Such report shall include—

(A) any standards promulgated during the year covered by such report;

(B) an evaluation of the compliance records of manufacturers by company name and location;

(C) any enforcement actions and court decisions;

(D) problems confronted in administering this Act;

(E) recommendations for additional legislation as may be necessary to administer this Act or achieve its purpose; and

(F) description of manufacturers' plans (submitted at the Commission's request) for taking action to comply with standards and to reimburse or otherwise satisfy their customers who have received noncomplying equipment.

(b) The Commission may request any manufacturer to allow the Commission to inspect its records, processes, machinery, equipment or procedures with respect to the manufacturing and testing of such electrical equipment.

MANUFACTURERS' DUTIES

SEC. 3. Every manufacturer shall—

(1) comply with any standards prescribed under this Act;

(2) prohibit its employees from shipping, delivering, transferring or selling any equipment after receipt of notice from the Commission that such equipment fails to comply with any such standard;

(3) submit plans, upon the Commission's request, for taking action which will put the manufacturer in compliance with standards and provide whether the manufacturer shall—

(A) bring the noncomplying equipment into conformity with any standard;

(B) replace the noncomplying equipment with equipment that complies with such standard; or

(C) refund the purchase price of the equipment (deducting a small allowance charge for use if the equipment has been used for one year or more by the public utility before discovering the first sign of equipment failure traceable to noncompliance);

(4) submit a timetable for the completion of the action required under the preceding paragraph (3) and report to the Commission on the action when completed; and

(5) be held responsible for the final place of equipment in entirety, notwithstanding the fact that the manufacturer may have purchased component parts from other persons and assembled such parts into the final product.

CIVIL PENALTIES

SEC. 4. (a) Any manufacturer who violates section 2 or 3 of this Act shall be subject to a civil penalty equal to the greater of \$10,000 or three times the purchase price of the noncomplying piece of electrical equipment. A violation of section 2 or 3 shall constitute a separate offense with respect to each piece of electrical equipment involved, except that the maximum civil penalty shall not exceed \$3,000,000 for any related series of violations.

(b) Any civil penalty under this section may be compromised by the Commission, in determining the amount of the penalty, or whether it should be remitted or mitigated, and in what amount, the gravity of the violation and the size of the business of the person charged shall be considered.

CRIMINAL PENALTIES

SEC. 5. (a) Any manufacturer who violates section 2 or 3 of this Act after having received notice of noncompliance from the Commission shall be fined \$100,000 or imprisoned for not more than one year, or both.

(b) Any individual, director, officer, or agent of a manufacturer who knowingly authorizes or performs acts violating sections 2 or 3 and who has knowledge of notice of noncompliance, shall individually be subject to penalties under this section, without regard to manufacturer's penalties under subsection (a) of this section.

principal coordinator and technical planner for MENU operations. SACADVON was a liaison unit for CINCSAC located at MACV Headquarters to assist with the B-52 effort. This unit had no independent command authority and was in Saigon only to assist COMUSMACV and to expedite staffing between the two headquarters. SACADVON also had the responsibility for establishing direct contact with the MSQ radar sites and for receiving oral reports of mission completion from these sites. SACADVON also provided B-52 strike location information—including geographically-generalized cover-target location information when necessary—to the MACV Office of Information (MACOI). No one in MACOI had a need-to-know about MENU details.

As noted in the General section, the MENU procedures permitted only correct formal reporting. Everyone in the reporting chain received that information which he had a need-to-know and received it in accordance with routine procedures. Thus, those who did not have a need-to-know about MENU could not perceive a difference between MENU and normal operations. Those who had a need-to-know about MENU operations submitted and received reports that were consistent with their knowledge. Each of the operational reports submitted provided complete and accurate information to those who required it.

The Department understands that selected members of Congress were advised of the MENU strikes by various persons in the Executive Branch who were monitoring MENU. Previous testimony and transmittals to the Congress have included information that among those notified were Senators Russell, Stennis and Dirksen, and Representatives Rivers, Arends and Gerald Ford.

Some other members of Congress may have been advised, but the Department, itself, holds no specific record detailing this. The Department understands that the decisions on whom to advise in the Congress were made by the notifying Executive Branch individuals who apparently took into account the extremely sensitive diplomatic situation and the strict orders for security. The restricting of MENU information within the Legislative Branch was consistent with similar strict restrictions within the Executive Branch.

GOOD LOOK

On February 17, 1970, B-52s were used for the first time to bomb military targets in the Plaine des Jarres (PDJ) area at the request of the Royal Laotian Government (RLG). The name GOOD LOOK was used for these operations, and their immediate purpose was to counter the buildup of approximately 15,000 North Vietnamese personnel and their supplies north and east of the PDJ area and poised for an imminent effort to recapture this area.

The first B-52 mission came in response to a specific request to the U.S. Ambassador to Laos from Laotian Prime Minister Souvanna Phouma requesting B-52 sorties to help Laotian General Vang Pao's troops hold the PDJ by blunting the anticipated North Vietnamese offensive. The transmission of this request and of all later mission requests for B-52 bombing in the PDJ area were made through the U.S. Ambassador to Laos. The original requests were validated by COMUSMACV and CINCPAC and were then forwarded with supporting intelligence to CJCS. After appraisal by the Joint Staff, CJCS requested authority from appropriate civilian authorities to conduct the requested mission.

After January 1, 1972, COMUSMACV was given authority to approve B-52 missions in the PDJ area, subject to cancellation by the Secretary of Defense.

It was the nature of the B-52 operations in Southeast Asia that they were routinely controlled by ground radars. Where this was not possible, the B-52 on-board radar systems were used to locate and strike targets. The PDJ area initially fell outside the capabilities of ground radar systems. For this reason, radar scope photography was needed of the PDJ area as a part of normal planning to have the ability to respond to any contingency. Such reconnaissance was understood and accepted by the RLG. Accordingly, a B-52 radar reconnaissance mission, GOOD LOOK ALPHA, was authorized and flown over the area in August, 1969.

After the enemy offensive in the PDJ area began in late January, 1970, a second radar reconnaissance mission, GOOD LOOK BRAVO, was flown. This mission was authorized in the hope that Hanoi would perceive the warning that B-52 operations were being considered in the PDJ, and would modify its operations in northern Laos. There was no apparent NVN diminution in combat operations, and follow-on B-52 sorties were directed under the name GOOD LOOK. A ground-directed radar bombing site was later located at Ubon, Thailand, to direct the GOOD LOOK missions.

Restrictions on disclosure of the U.S. strikes in the PDJ area were responsive to the Royal Laotian Government. All message traffic to Washington on GOOD LOOK was classified TOP SECRET and was processed through special security

Senator BYRD. You mean a blank sheet of paper?

Mr. FRIEDHEIM. The best we have been able to reconstruct it, it was provided back to the committee along with a lot of other inserts and answers to questions asked for the record.

Senator BYRD. Did anyone sign the statement that was submitted to the committee?

Mr. FRIEDHEIM. Not as far as we have been able to determine. It would have been returned through our normal channels of liaison with this committee through either the Legislative Affairs Office or Secretary Richardson's personal staff. But as we look back at it, all the individuals involved there were not aware of the strikes into Cambodia, and were not aware that the table that they had was incomplete.

Senator BYRD. When this committee asked for information, is it not given consideration at top level?

Mr. FRIEDHEIM. Yes, sir, it should be. In this particular case that matter apparently was not called specifically to the attention of Secretary Richardson at that time. Those who provided it apparently saw that table as simply a routine response and did not perceive it apparently as a policy question which involved any policy decisions.

Senator BYRD. Was it a deliberate attempt to mislead this committee?

Mr. FRIEDHEIM. To the best of our knowledge, in reconstructing what happened, it appears to be a combination of circumstances in which the data was simply handled by individuals who did not realize that it was incomplete, and therefore, did not flag it as a policy question.

Senator BYRD. What was the highest level at which this information was seen?

Mr. FRIEDHEIM. Again, to the best that Secretary Clements has been able to reconstruct so far—and he is still looking into this—that particular table in March which was in response to the question to Secretary Richardson was handled by the Acting Assistant Secretary for ISA, and was checked by our office of General Counsel. That would have been Mr. Eagleburger in ISA——

Senator BYRD. What was his position?

Mr. FRIEDHEIM. He was the Acting Assistant Secretary, ISA. And Mr. Neiderlehner, who was the Acting General Counsel, Mr. Buzhardt at that time having gone to the White House, as the committee knows. Neither of those two officials was aware of the operations in Cambodia in 1969, and neither of them would have noticed or known that the data was incorrect.

Senator SYMINGTON. Will the Senator yield?

Senator BYRD. Yes.

Senator SYMINGTON. It is incredible to me that people as high as some of the people in the Pentagon that I know of had no knowledge of this information at all. Yet it was told to select members on this committee. I was not one. It is not that I am personally resentful of that, although I have a right to know what anybody else on the committee knows; it is just such a poor way to run a railroad. Senator Byrd's questions bring that out. Some people you would think would be informed about this, based on the positions they held, are uninformed. It not only puts us in a peculiar light, as Senator Hughes brought out, but puts other members of the military and civilians in a bad light.

tion incorrectly—and as he indicated in his statement, we adopted a public position of “no comment,” rather than saying, “No, there were no raids in Cambodia.” We simply declined to comment, which is the normal way that we would operate in a security situation. But obviously, he had told me that, and I knew that something had happened in Cambodia in 1969. I did not know the total sorties or the level of effort, nor did I know at that time that the table which was furnished contained not simply an error of omission in the Cambodia column, but actually had the Cambodian sorties under the South Vietnam column. I simply did not know that. But I knew that something was wrong about it. I proceeded to call that to the attention of the Joint Staff. I think that that had begun the bureaucratic process working so that we would have come to a resolution of that problem whether or not Major Knight had testified. I did not know at that time, obviously, that Major Knight had written a letter in January in which he had indicated something about this.

Senator BYRD. Mr. Friedheim, I think you have answered this, but I will ask the question anyway. Did you know from the start about the bombing and the falsification of it?

Mr. FRIEDHEIM. I knew from Secretary Laird that there were operations in Cambodia in 1969. I knew that there were special security precautions being taken by the military services to hold that data very closely in our internal reports. I knew that Secretary Laird did not in any way regard that direction of special security procedures as falsification of official records. He regarded it instead as steps to guarantee that the accurate information was provided to him at the top, and to other senior officials who were controlling the operation.

Senator BYRD. The security precautions were for what purpose?

Mr. FRIEDHEIM. They were for the purpose of withholding the information in the internal Department of Defense chain from people who did not need to know the location of those strikes. It was a normal security procedure.

Senator BYRD. It was not security in the sense of keeping it from the enemy?

Mr. FRIEDHEIM. Sir, we assume that the enemy knows that it is being bombed.

Senator BYRD. The enemy was being bombed, so it was not for the purpose of keeping the information from the enemy?

Mr. FRIEDHEIM. That is right. The sole reason, and the reason that made it a unique sort of security situation was the diplomacy that involved Mr. Sihanouk. That diplomacy assessment was made in the National Security Council, and therefore special precautions were set up. Secretary Laird did not view that as falsification of official records, he viewed it, quite the contrary, as a way to guarantee that the accurate reports came immediately to him at the top, so that he could monitor this operation on a daily basis, which he did. He also viewed it as a way to guarantee that the accurate statistics were in fact preserved for the historical record.

Senator BYRD. I yield to Senator Hughes.

Senator HUGHES. You said this was a normal security procedure. That raises a hundred and one questions in my mind, Mr. Friedheim. We have found out that there has been a falsification of reports in

General RYAN. That is correct.

Senator BYRD. You did not testify before this committee after you became Chief of Staff insofar as these Cambodian raids were concerned?

General RYAN. I was Chief of Staff when this insert into the record which showed no B-52 sorties into Cambodia was submitted by Secretary Seamans. I did not see that insert, it was constructed by the staff.

Senator BYRD. Thank you, General.

Thank you, Mr. Secretary.

Thank you, Mr. Chairman.

Senator THURMOND. Mr. Chairman, while we are back on the record now, I would like for the record to show this much of my statement without repeating the entire statement, that I feel that without equivocation that the confirmation of General Ryan to be retired as a four-star general should be granted. He has been an able, distinguished, and dedicated servant to our Nation. If there is any question about bombing in Cambodia or matters of that kind, it is my firm opinion that the military was carrying out the orders of its civilian superiors, and that the military people should not be held responsible where they carried out such orders.

I just wanted the record to show that.

Senator GOLDWATER. Mr. Chairman, inasmuch as we were off the record when I made my remarks, I would like to present the prepared statement that I intended to use, but I would like to have this as a part of the record. I suggest that Senator Hughes be allowed to read this, and if he wants to answer it, he can.

I would like the record to show that if you want to put the finger of responsibility on anyone, we have to put it on the Commander-in-Chief, who is the President of the United States.

I think it would be a great injustice to the man in uniform and to the Secretaries if we in any way infer that they dreamed this whole thing up, master-minded it and carried it through. I understand well the concern of Senator Hughes. I know that I supported him in this whole matter.

To me, this is abundantly clear that neither of these men at any level had any knowledge of this affair. It has been inferred that Senators on this committee now have this. I did know of this, but I did not learn it from the Pentagon, I learned it from the field, and I will not go further than that. I did not know any of the details, I only knew that it had taken place, and I believe this is the way a few others on this committee learned about it.

I can understand very well how a commander like General Abrams would go to the Joint Chiefs of Staff for a question for action like this, and they in turn would go to the National Security Council, who would go to the Commander-in-Chief, and, when the decision was made, would go back down the line through the Secretary of Defense, and no man who was in a position that these men were in at that time had any need to know.

I do not agree that that is proper. I think that the Secretaries of the Services should be on the need-to-know list. I think at least the Vice Chief of Staff of each Service should be on the need-to-know list.

Senator HUGHES. Mr. Chairman, any questions that I have related to the substantive issues involved in this it would be best to ask other witnesses that have firsthand information relating to it rather than Mr. Friedheim. So I have no further questions.

Senator SYMINGTON. Senator Thurmond.

Senator THURMOND. I have no questions, Mr. Chairman. Thank you.

Senator SYMINGTON. Senator Byrd.

Senator BYRD. Thank you, Mr. Chairman.

Mr. Friedheim, the bombing which took place some time ago, several years ago, I am not as much concerned about that as I am the report that this committee was deliberately furnished inaccurate and misleading information, and in effect was deceived just a month or two ago. Would you address yourself to that.

Mr. FRIEDHEIM. Yes, sir. Secretary Clements has looked into that matter in some detail. He is still looking into the circumstances surrounding that. He has not completed his checks yet. But he asked me to advise you if that question came up that, obviously, that was an error. In looking back at how that original report was provided, it appears that in the data base maintained by the JCS, by the Joint Staff, the statistics there were at a secret level, and that was not a level high enough to include the information about the strikes into Cambodia. When those questions were asked the material was taken out of that data base, apparently by technicians who did not know that it was incorrect. It was provided to those who had asked for it, in this case some civilian officials who also were not aware that it was not complete, and it was then provided to the committee. Secretary Schlesinger and Secretary Clements have indicated that they regard that as an error of some seriousness. And they certainly, I am sure, plan to take some steps to see that that sort of thing is precluded.

Senator BYRD. But the point I am trying to understand is, it was a deliberate attempt to mislead this committee, is the way I read the report.

Mr. FRIEDHEIM. Sir, we can't determine at this point—and as I say, Secretary Clements is still pursuing—

Senator BYRD. Let's go back to what the report is. Who asked for the report?

Mr. FRIEDHEIM. There were several pieces of material provided to the committee as I understand it.

Senator BYRD. To this committee, the Senate Armed Services Committee?

Mr. FRIEDHEIM. That is correct, as I understand it. The one that we addressed most recently was a table of statistics sent in answer to a question that Senator Hughes asked Secretary Richardson during the budget hearings in March. Secretary Richardson indicated that he would attempt to respond to that. About that same time Secretary Richardson left the Department and went on to another job, as you know. The question was handled by individuals in our International Security Affairs Office. They requested data from the data bank. And it was provided to them. They did not know that it was incomplete, since they were not aware of the operations back in 1969.

Senator BYRD. Who signed the communication to this committee?

Mr. FRIEDHEIM. I don't believe that it was transmitted with a cover document.

Senator BYRD. You mean a blank in the record?

Mr. FRANKLIN. The best we have been able to accomplish is that it was provided back to the committee along with a lot of other letters and answers to the time asked for the record.

Senator BYRD. Did anyone get this statement or was it submitted to the committee?

Mr. FRANKLIN. Not as far as we have been able to determine. It would have been returned through our normal channels, in touch with the committee through either the Legislative Affairs Office or Secretary Richardson's personal staff. But we could not find out all the individuals involved there were not aware of the strikes into Cambodia, and were not aware that the strike that they lost was an attempt.

Senator BYRD. When this committee asked for information, is it not given consideration at top level?

Mr. FRANKLIN. Yes, it should be. In this particular case, this matter apparently was not called specifically to the attention of Secretary Richardson at that time. Those who provided it apparently saw that table as simply a routine response and did not perceive it as a policy question which would be a policy question.

Senator BYRD. Was it a deliberate attempt to mislead this committee?

Mr. FRIEDHEIM. To the best of our knowledge, in reconstructing what happened, it appears to be a combination of factors. One is that while the data was simply handled by individual staff members and realized that it was incomplete, and therefore, did not flag it as a policy question.

Senator BYRD. What was the highest level at which this information was seen?

Mr. FRIEDHEIM. Again, to the best that Secretary Clements has been able to reconstruct, and he is still feeling his way through that particular table in March which was in response to the question to Secretary Richardson was handled by the Acting Assistant Secretary for ISA, and was checked by our office of General Counsel. That would be the last Mr. Buzhardt in ISA.

Senator BYRD. What was his position?

Mr. FRIEDHEIM. He was the Acting Assistant Secretary, ISA. And Mr. Neiderlehner, who was the Acting General Counsel, Mr. Buzhardt at that time having gone to the White House, as the committee knows. Neither of those two officials was aware of the operations in Cambodia in 1969, and neither of them would have noticed or known that the data was incorrect.

Senator SYMINGTON. Will the Senator yield?

Senator BYRD. Yes.

Senator SYMINGTON. It is incredible to me that people as high as some of the people in the Pentagon that I know of had no knowledge of this information at all. Yet it was told to select members on this committee. I was not one. It is not that I am personally resentful of that, although I have a right to know what anybody else on the committee knows; it is just such a poor way to run a railroad. Senator Byrd's questions bring that out. Some people you would think would be informed about this, based on the positions they held, are uninformed. It not only puts us in a peculiar light, as Senator Hughes brought out, but puts other members of the military and civilians in a bad light.

While I had no personal knowledge of any of the operations that I will discuss until well after the statistics were submitted to Congress, I can assure you that when I become aware of the fact that the MENU operations were not reflected in the material provided to the Congress, I directed a complete review of all of our operations conducted under similar limited-access reporting systems to validate all our statistics that might be affected. On 25 July, I advised you of changes in the statistics that we had provided you for casualties in Southeast Asia. Tuesday, I advised the committee that as a part of the continuing review we had discovered that data on the fighter-bomber PATIO operations in Cambodia and on B-52 operations in Northern Laos similarly required corrections. I made this information available to the committee even though the findings must be regarded as still tentative and still in need of confirmation by subsequent and continuing review.

In all of these cases, the operations were fully authorized and directed by civilian authority, and accurate data were made available to all of those who had an operational or command need-to-know, but the data base that was in general use by those who did not have an operational or command need-to-know, did not reflect the same information on these operations.

This background is necessary to an understanding of our recent actions in response to this committee's requests for data on Southeast Asia air operations. One of the matters of concern to this committee today is that the Department of Defense provided data to you that were not complete and accurate. This is a serious matter, and I appreciate this opportunity to discuss it with you. Our lack of accuracy in this case was in large measure due to two factors: (1) The extremely close control maintained over this information from its conceptual phases and until very recently, and (2) the elapse of over 3 years since the operations were terminated.

Dr. Seamans has already informed you about the statistics he provided in 1971. I believe his testimony established that all Defense officials who dealt with that report at that time were convinced that the report was complete and accurate.

On 28 March of this year, Secretary Richardson, appearing before this committee, was asked to provide information, including data on Southeast Asia air operations. In the preparation of the reply forwarded in Secretary Richardson's name, there was no conscious awareness or decision on the part of anyone involved to withhold any information or to provide data that was not complete and accurate. Secretary Richardson was personally aware that MENU operations had been conducted and might well have detected the fact that they were not included. However, he did not personally review this 83-page printout of detailed statistical data.

After reviewing the data provided by Secretary Richardson, this committee asked whether the answer provided could be reduced in detail so that it could be declassified.

It is not possible for either the Secretary or Deputy Secretary of Defense to personally review and approve all information provided to the Congress—we must and do rely upon carefully selected key staff to review these data. We have given the staff two guidelines for their review. First, our responses must be as complete and accurate as our

Dr. SEAMANS. Mr. Chairman and members of the committee, I welcome this opportunity to appear before this committee to clarify my relationship to certain air operations activities in Southeast Asia prior to May 1970, which the committee is now examining. Specifically, I wish to point out the extent of my knowledge of the details concerning the inserts for the record, made incident to my testimony before this committee on March 31, 1971, which provided a statistical summary of Air Force air operations by month and by Southeast Asia country from November 1968 through February 1971.

Before addressing these matters, however, I wish to note the role of a service secretary with respect to military operations, including air operations in Southeast Asia. As you know, in consonance with the Reorganization Act of 1958, and applicable DOD directives, the operational chain of command for the conduct of military operations runs from the Commander-in-Chief to the Secretary of Defense, through the Joint Chiefs of Staff, or for time-sensitive operations, through the Chairman, JCS, representing the JCS to the commanders of the unified and specified commands, and to the operational units. Consequently, a service Secretary is not in the operational chain of command in any legal or practical sense. During my tenure as Secretary, of course, I made it a point to remain abreast of overall Air Force operations in the interest of fulfilling my basic responsibilities for managing Air Force personnel and materiel resources and for acting as an advisor to the Secretary of Defense. However, not being in the chain of command, I was not made aware of certain special military operations, even long after they occurred. Such was the case with bombing missions carried out in Cambodia prior to May 1970. Consequently, I had no personal knowledge of the particular missions, nor would I have expected to, at the time they were occurring.

On March 31, 1971, I testified before this committee in support of the President's fiscal year 1972 budget request for the Air Force. As is the customary procedure the hearing opened with my reading a summary of my prepared statement on Air Force activities and requirements. The full statement had been furnished to the committee in advance of the hearing and was subsequently printed in the committee record. As Southeast Asia activities commanded a significant portion of Air Force energies and resources, my statement included a brief review of Air Force operations in Southeast Asia during the preceding year, with particular emphasis on the reduction in B-52 and U.S. tactical air sorties that had been possible as a result of progress made in the Vietnamization program.

During the question period that followed, you, Senator Symington, took note of my prepared comments on Southeast Asia and asked that we provide for the record "the number of sorties, by month, for 1970 and 1971 to date for Laos, Cambodia, and for South Vietnam separately." I agreed to do so. Later on in the questioning, Senator Hughes submitted a series of written questions to be answered for the record, including one which asked us to "furnish the monthly totals since November 1, 1968, of Air Force attack sorties and the estimated ordnance tonnages dropped on each of the following countries: South Vietnam, North Vietnam, Laos, and Cambodia."

As the committee is aware, hearings of this nature involve furnishing the committee with many inserts for the record. In this case there were 94, including the two that have been described. Typically, an Air

It is the same with the TACAIR, or with artillery, or as between one company and another company. It is part of what gives men the confidence and the will to stick it out and overcome what seems impossible. So, this whole matter of integrity up and down is fundamental. It is essential. We cannot have an effective military force without it. We cannot permit it. Whether you are a West Point cadet or a four-star general, the standard has to be the same.

Senator SYMINGTON. As I understand it, in no way would you suggest that your recommendations for this Cambodian bombing be kept from the proper committees of the Congress; is that correct?

General ABRAMS. No, sir; I have nothing to do with that.

Senator SYMINGTON. You did not recommend that it be kept from the American people; is that correct?

General ABRAMS. No, sir; I did not have anything to do with that.

Senator SYMINGTON. You feel that when you were doing it you were doing it in the interest of the assignment that you had been given in the war at that time; is that correct?

General ABRAMS. That is correct.

Senator SYMINGTON. Have you knowledge of General Gavin's battle record in World War II?

General ABRAMS. Yes, sir.

Senator SYMINGTON. It is pretty fine; is it not?

General ABRAMS. Yes, sir.

Senator SYMINGTON. So is yours. What do you think of his letter?

General ABRAMS. As I say, I subscribe to what he says here about integrity.

Senator SYMINGTON. I thank you for that.

Here is our problem, as I see it. It is not said in any partisan way, because to me this is a sad business. There is an editorial in the New York Times this morning called Crimes in Peace, that contains the following quotation:

Cambodia, a small country of seven million people, has been a neutral nation since the Geneva Agreement of 1954—President Nixon, April 30, 1970.

And then another quotation:

Prior to May 1970, B-52 strikes occurred in border areas between Cambodia and South Vietnam. . . . These air operations across the border (in Cambodia) had been conducted for some period of time and were fully authorized.

That was said by Defense Secretary Schlesinger on July 16, 1973.

And then another quotation:

Whoever, within the United States, knowingly begins . . . any military or naval expedition or enterprise to be carried on from thence against the territory or dominion of any foreign prince or state . . . or people with whom the United States is at peace, shall be fined not more than \$3,000 or imprisoned not more than three years, or both.—Title 18, United States Code, section 960.

And then finally, another quotation:

"If two or more persons within the jurisdiction of the United States conspire to injure or destroy specific property situated within a foreign country . . . with which the United States is at peace . . . each of the parties to the conspiracy shall be fined not more than \$5,000 or imprisoned not more than three years, or both."—Title 18, United States Code, section 956.

We will find out more, I believe, tomorrow about where the secrecy instructions came from, when Admiral Moorer and Secretary Clements come before the committee.

7th Air Force consolidated the Navy, Air Force, and Marine Corps tactical air mission effort, and sent them in as one block of information for Tactical Air. The Strategic Air Command sent in a block for Strategic Air. Both of these then formed the data bank in the Pentagon.

Senator SYMINGTON. Senator Thurmond.

Senator THURMOND. Thank you, Mr. Chairman.

Mr. Secretary, I am very glad that you brought a copy of this memorandum for the Secretary of Defense, dated November 20, 1969, signed by the Chairman of the Joint Chiefs of Staff, Earle G. Wheeler, and initialed, I believe, by Mr. Laird, isn't it?

Mr. CLEMENTS. That is correct.

Senator THURMOND. The initials are a little hard to read.

You pointed to paragraph 7.

Mr. CLEMENTS. Yes, sir.

Senator THURMOND. I want to read that paragraph again, because I think it is right important:

The concept of operation is to employ 41 B-52's against MENU targets on each of two nights during the week of November 23. The remaining available aircraft will be employed to strike cover targets as well as targets elsewhere in country and in Laos. Strikes on these latter targets will provide a resemblance to normal operations thereby providing a credible story for replies to press inquiries. The 41 MENU sorties will strike seven targets each night. Strike areas will be diversified in an effort to avoid establishing a predictable pattern.

And so forth. In other words, that is in line with what you and Chairman Moorer said this morning, I believe, about the cover operations.

Mr. CLEMENTS. That is exactly right.

Senator THURMOND. Not to deceive anybody except the enemy, is that right?

Mr. CLEMENTS. That is exactly right, Senator.

Senator THURMOND. The purpose in this was to handle it in a way that it would permit operations in a manner that would help our side most and bring the greatest detriment to the enemy.

Mr. CLEMENTS. Provide the greatest security and the least possible loss of life to our people, right.

Senator THURMOND. Was there any idea—I ask you again—on the part of either one of you by an order of this kind to deceive the Congress?

Mr. CLEMENTS. No, sir; certainly not.

Admiral MOORER. Absolutely not.

Senator THURMOND. The public didn't have access to it, not even the Congress had access to it, did it?

Mr. CLEMENTS. No, sir.

Senator THURMOND. This is a military operation or a top secret operation available only to the military men who are executing this operation, is that right?

Mr. CLEMENTS. Yes, sir.

Senator THURMOND. Even the Secretary of the Air Force didn't know about it?

Mr. CLEMENTS. That is correct.

Senator THURMOND. The Secretary of the Army didn't know about it. The Secretary of the Navy didn't know about it. So it is understandable when the matter is brought in its context, and I only wish

because he could have ordered, without any fear of being caught, bombing at another location other than the one that he was actually given on the secret mission. Would you like to respond to that? What is the safeguard against that?

General WHEELER. The pilots and the navigators of the strike aircraft were all briefed, Senator. They knew where they were supposed to go. So I think that had an effort been made like that, they would have been aware of it.

Senator NUNN. The pilots were briefed separately——

General WHEELER. The principal pilot, the plane commander, and the two navigators were briefed.

Senator NUNN. With the accurate information?

General WHEELER. They were given the accurate information.

Senator NUNN. So they knew where they were supposed to go before they got any order from the people on the radar?

General WHEELER. That is correct. What the radar was used for was merely to guide the aircraft to the proper drop point.

Senator NUNN. Back to the word "MENU," if all those other names, breakfast, lunch, dessert and supper, meant areas within Cambodia, wasn't MENU the actual procedure used for classifying this information?

General WHEELER. No, sir. MENU was, you might say, an all-encompassing name, which embraced breakfast, lunch, dinner, supper, and so on. Now, through a kind of transition the term, "MENU procedures," meant these special procedures of security and transmission of reports—it grew up.

Senator NUNN. Why would Admiral Moorer have used this in a cable of 1970, discussing tac air in North Vietnam, when he said "using MENU procedures"?

General WHEELER. I think that what he was referring to there is that it had been directed that those be conducted with the utmost secrecy, and the reports be rendered——

Senator NUNN. It had become a procedure, then rather——

General WHEELER. As I said a little earlier, Senator, through time there was a process of transition whereby the term "MENU procedures" grew to mean this secret way of doing things, this special transmission, and so on.

Senator NUNN. So, it started out as an area and became a procedure?

General WHEELER. That is right, sir.

Senator NUNN. General, is it your understanding that falsifying reports is a violation of the Military Code?

General WHEELER. Oh, yes.

Senator NUNN. As I understand it, your definition of the distinction between accuracy and falsification was whether everyone who had a need to know the accurate information had it—is that your definition?

General WHEELER. My definition contained the elements of an attempt to deceive; if you are intending to deceive someone in authority, this is falsification, or a false report. If there is no such intent, and that is not accomplished, there can't be falsification or a false report.

Senator NUNN. No matter how erroneous or how inaccurate it is, as long as the President of the United States orders it and it comes that way, then it is still an accurate report?

While I had no personal knowledge of any of the operations that I will discuss until well after the statistics were submitted to Congress, I can assure you that when I become aware of the fact that the MENU operations were not reflected in the material provided to the Congress, I directed a complete review of all of our operations conducted under similar limited-access reporting systems to validate all our statistics that might be affected. On 25 July, I advised you of changes in the statistics that we had provided you for casualties in Southeast Asia. Tuesday, I advised the committee that as a part of the continuing review we had discovered that data on the fighter-bomber PATIO operations in Cambodia and on B-52 operations in Northern Laos similarly required corrections. I made this information available to the committee even though the findings must be regarded as still tentative and still in need of confirmation by subsequent and continuing review.

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Dr. Seamans has already informed you about the statistics he provided in 1971. I believe his testimony established that all Defense officials who dealt with that report at that time were convinced that the report was complete and accurate.

On 28 March of this year, Secretary Richardson, appearing before this committee, was asked to provide information, including data on Southeast Asia air operations. In the preparation of the reply forwarded in Secretary Richardson's name, there was no conscious awareness or decision on the part of anyone involved to withhold any information or to provide data that was not complete and accurate. Secretary Richardson was personally aware that MENU operations had been conducted and might well have detected the fact that they were not included. However, he did not personally review this 83-page printout of detailed statistical data.

After reviewing the data provided by Secretary Richardson, this committee asked whether the answer provided could be reduced in detail so that it could be declassified.

It is not possible for either the Secretary or Deputy Secretary of Defense to personally review and approve all information provided to the Congress—we must and do rely upon carefully selected key staff to review these data. We have given the staff two guidelines for their review. First, our responses must be as complete and accurate as our

sources permit within the time constraints the Congress finds necessary. Secondly, all Department of Defense matters involving a change to or establishment of policy are to be referred to the Secretary or Deputy Secretary of Defense.

As the staff reviewed the declassification request, there was—for the first time—a conscious awareness of the fact that the Cambodian operations were not accurately represented. However, it presented a major declassification issue since the original strict security controls placed on these operations had never been relaxed. In fact, similarly persuasive diplomatic reasons for continued classification existed as declassification was being considered. This relationship between information on air operations in Southeast Asia and the sensitivity of ongoing negotiations was specifically identified by Secretary Richardson in his March 26, 1973 letter to Senator Hughes responding to questions raised in Secretary Richardson's confirmation hearings.

I want to make one further point on the declassified data submission. As you are well aware, the data as reported were both incomplete and inaccurate. They were incomplete in the sense that Cambodian sorties were not shown, as I have discussed. They were inaccurate in the sense that the Cambodian sorties were affirmatively shown to have been targeted in South Vietnam. This inaccuracy was not recognized at all by anyone in the chain of staff review until weeks after the report had been submitted to the Congress. Exactly the same statement can be made about our failure to correctly represent the data on the PATIO strikes and the B-52 strikes in Laos. No one perceived these errors prior to release of these reports.

I provide this testimony by way of explanation. This committee wants to know what happened and this is what happened. The choices considered by the staff were perceived as classification matters, not as policy matters. They should have been considered as policy questions and referred to me as Acting Secretary of Defense and they were not. This was a mistake.

Let there be no misunderstanding. I am not trying to shift responsibility for the submission of this information. I was then the Acting Secretary of Defense. At the same time, I want this committee and the American people to understand that I made no decision to provide incomplete or inaccurate information. This report was not submitted to me in any form for my approval.

Let me make one further point with respect to this declassification process. Had I been aware of these Cambodian air operations and the circumstances surrounding their security, I fully expect that I would have carefully weighed all the arguments for their continued classification. There is no value in speculating on what I might have decided to do if—however, there was a sound basis for the original and continued security measures protecting these operations and the question of issuing a declassified detailed and official report would have been a complex one.

In closing, I want to stress that Secretary Schlesinger and I share this committee's concern that the Department of Defense submitted data that were not complete and accurate. Certainly, there are and will be categories of information that must be protected: to maintain the effectiveness of your Department of Defense; for the safety of our people; and in support of our national objectives in diplomacy and

While I had no personal knowledge of any of the operations that I will discuss until well after the statistics were submitted to Congress, I can assure you that when I became aware of the fact that the MENU operations were not reflected in the material provided to the Congress, I directed a complete review of all of our operations conducted under similar limited-access reporting systems to validate all our statistics that might be affected. On 25 July, I advised you of changes in the statistics that we had provided you for casualties in Southeast Asia. Tuesday, I advised the committee that as a part of the continuing review we had discovered that data on the fighter-bomber PATIO operations in Cambodia and on B-52 operations in Northern Laos similarly required corrections. I made this information available to the committee even though the findings must be regarded as still tentative and still in need of confirmation by subsequent and continuing review.

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clearance, had a need-to-know about MENU. Everyone in the reporting chain received and reported that information for which he had a need-to-know. Those who had no need-to-know about MENU could not perceive a difference between MENU and any other sorties. Any reports they submitted were within the normal reporting procedures.

With regard to the originally erroneous statistics inadvertently furnished to the Congress, and through the Congress to the public, the high-security classification and closely-held character of the information resulted in the error. Steps have been taken to assure that in the future the automated data systems themselves, and attendant procedures, will be so structured that any need for special-security policy decisions will be brought to the attention of proper civilian leaders for their decision as well as policy matters such as declassification. It must be stressed again that despite the inadvertent, erroneous report to Congress all appropriate civilian and military decision makers had accurate and complete command and control data throughout MENU.

Approval /Execution

To understand the approval, execution and special reporting procedures used during MENU, normal B-52 reporting procedures must be understood. For normal missions in South Vietnam, The Commander, U.S. Military Assistance Command Vietnam (COMUSMACV) originated a "strike request" for targets against which missions would be flown for the next 24-hour period. This request—which was dispatched to Commander in Chief Pacific (CINCPAC), Commander in Chief Strategic Air Command (CINCSAC), the operating units, and the JCS—showed time-over-target, target coordinates, weight of effort recommended, and a mission identifier (usually a letter and three numbers). While this message was termed a "strike request," COMUSMACV and CINCSAC had standing authority to conduct B-52 missions in South Vietnam. COMUSMACV did however routinely transmit each "strike request" to CINCPAC, CINCSAC and JCS to provide them the opportunity to review—and to disapprove should that be necessary for some overriding reason—any mission.

Subsequently, a "frag order" was issued by the operating headquarters, which originally was Third Air Division and subsequently was Eighth Air Force. This "frag order" was basically a mission-profile order which narratively described how the mission was to be conducted. It noted ground control check-in points, target size, altitude and bombing tactics. The "strike request" and the "frag order" were the only two documents necessary for the conduct of the missions which contained target coordinates. In the absence of a disapproval, CINCSAC issued an execution order by mission identifier and "frag order" number. This order authorized the planned strike and established the take-off time.

In the event a mission was to be directed to another target, a "strike request amendment" was issued which imposed such changes from the original "frag order" as might be required.

After weapons release, the aircrew would initiate the post-strike reporting procedure with a radio call to the command post in Guam, giving time over target and mission success codes (type of release, malfunctions, weather, etc.). The Guam command post then initiated an operational report (OPREP-4) of the mission to SAC Headquarters. The OPREP-4s showed only mission identifier, number and type of aircraft, time-over-target, and the guidance system utilized. SAC retransmitted the OPREP-4s to the Organization of the Joint Chiefs of Staff (OJCS). The OPREP-4s and the "strike request" constituted the principal input for the JCS data base.

MENU procedures were designed to parallel and complement the routine B-52 procedures. If, for example, COMUSMACV was authorized a level of 60 B-52 sorties a day, he would, through the routine procedure, identify routine targets for all 60 of these sorties. Through the special communication channel he also would transmit a special request, classified TOP SECRET, to strike MENU targets in Cambodia.

Requests for MENU strikes came to the Office of the Joint Chiefs of Staff from COMUSMACV after review and validation by CINCPAC. Each request included current intelligence confirming that no Cambodians were known to be located in the enemy target area. After appraisal of the request by the OJCS, a brief memorandum was sent to the Secretary of Defense requesting him to obtain authority to conduct the MENU strikes. Only after additional appropriate civilian authority was obtained did the Secretary of Defense authorize the OJCS to dispatch an execute message. When transmitted, this execute order went through the special security channels.

great votes come up, the votes that determine whether we are going to have a strong America, whether or not we are going to be a responsible nation, the delegation from Louisiana, the other Congressmen and Senators that are here, stand strong and firm behind any President, Democrat or Republican, and that is what you want in your representation in the House of Representatives.

I said that also characterizes this organization, and, believe me, it does. I remember some of the hard decisions we had, decisions over the past 4 years, decisions that were necessary in order to bring us to the place that we finally do have peace with honor, and I remember once very early in my term in 1969, in the fall, when there were 350,000 demonstrators marching on the White House, and I sat there wondering if we had any friends. A delegation came in from the VFW, including the National Commander, and they said, "You didn't call us, but we just wanted you to know we are with you," and that is always the way with the VFW. I don't call you; you come in.

Now I want to say a word to Mrs. Reid about the Peace Award, which I understand is the first time this award has been given. It may not be given annually, and that, of course, makes it even more, of course, impressive from the standpoint of the recipient. I can only say that there is no award that a President of the United States would more cherish than a Peace Award from those who know what war is—the wives, the mothers of those who have served their country in America's wars. And Mrs. Reid, the words that you spoke, and, Commander Carr, the words that you spoke, will remain with me always, remain with me because I realize that here in this great hall are people who, because they have fought in war, loved peace the more. Thank God for what you do and what you stand for.

I have spoken to the Veterans of Foreign Wars on several occasions since I have been President, and I am proud that this is the first time I have spoken to you when the United States is at peace with every nation in the world. It is a good time—a good time.

*It is also rather an ironic time for those who follow the Washington scene, as some of you must. We find that some of the politicians and some of the members of the press who enthusiastically supported the Administration which got us into Vietnam 10 years ago, or were silent when the decisions were made that got us in, now are criticizing what I did to get us out. Well, let me say getting us out of the war took a lot of doing, and I am proud of what we have done. I would like to talk to you about that today as to how we accomplished that goal. Because you see, my friends, I think the time has come before this organization to answer those who criticize the policies which helped to bring Americans peace with honor in Vietnam.

Now, specifically, as some of you know, the President of the United States has been accused of a secret bombing campaign against the defenseless and neutral country of Cambodia in 1969. That was 2 months after I became President. I want to tell you the facts about that, what happened, and let you judge for yourself what kind of a decision you would have made as Commander in Chief of the Armed Forces of the United States at that time. I remember the meeting in which that decision was made. Mr. Laird, who was then Secretary of Defense, remembers; he was there. Henry Kissinger, to whom you will give an award tonight, remembers it;

he was there. The chairman of the CIA was there. The Secretary of State, Secretary Rogers, was there. And we looked over what was, to us, a totally indefensible position. Here is what we found when I came into office.

Three hundred Americans were being killed every week in Vietnam; 540,000 Americans were in Vietnam with no plan at all to bring any of them home. Over 500 were prisoners of war under the most cruel and barbarous conditions, and no plans and no hope for any of them to be returned home. That was what we found. So we decided to do something about it.

Incidentally, in pointing out what we found, I am not criticizing previous Presidents. I am not criticizing the decisions that they felt were in the national interest that had to be made, they felt, in Vietnam. I am simply saying this is what we found, and we had to find a way to bring the war to a conclusion, but to bring it to a conclusion in a way that the United States would still be respected in the world and that meant rejecting the views of those who said just bug out. We could have bugged out of Vietnam. If we bugged out of Vietnam, we would not be worth talking to any place in the world today. We have got to maintain the respect of America throughout the world.

Now, we come to Cambodia. All of you, particularly the young people here who study the maps of these areas, know this country is right on the border of Vietnam. When I took office, again in 1969 at this meeting that took place, we found that there was a strip of land 10 to 15 miles wide in which there were no Cambodians whatever. It was totally occupied by the enemy, the North Vietnamese. They had overrun the entire border area.

The native Cambodian population had been evacuated or driven out and along a 10-mile strip on the Cambodian side of the border, sometimes 15, a network of supply lines and training bases had been established, and the bulk of some 40,000 troops were there. That is what the CIA reports show and that is what also the reports of our own military, as they examined the situation there, show.

And so, what we find is the situation that we are referring to back there in 1969, so long ago when this war was at its height, when we were trying to do something to bring it to an honorable end, was that it was not the United States, but the North Vietnamese Communists who violated the neutrality of Cambodia.

The suggestion that these staging areas for enemy troops, supplies, and artillery a few thousand yards from American troops were what we call neutral territory, exempt from counterattack or bombing, is simply ludicrous. The Communists had made a mockery of the neutrality of these border regions. The United States was under no moral obligation to respect the sham.

By January of 1969, these enemy-occupied sanctuaries were no more neutral territory than was northern France or Belgium in the late spring of 1944 when those territories were occupied by the Germans.

And so, it was in February of 1969 when the North Vietnamese responded to President Johnson's 3-month-old bombing halt and peace initiative with a countrywide offensive in the South in which hundreds of Americans were killed every week, and thousands every month.

After this meeting that I have just spoken to, I made the decision. I ordered American airpower employed directly and continually against the enemy-occupied base areas from which Communist soldiers had been attacking and killing American soldiers.

And so today, there is great anguish and loud protest from the usual critics, "Why did the United States make a secret attack on tiny Cambodia?" Of course, this is absurd. These strikes were not directed at the Cambodian army or the Cambodian people; they were directed at the North Vietnamese invaders who, at that time, had occupied this area within Cambodia and were killing Americans from this area.

This is the significant thing: The Cambodian Government did not object to the strikes.

In fact, while they were in progress in the spring of that year, Prince Sihanouk, then the leader of the Cambodian Government, personally invited me very warmly to make a state visit to the Cambodian capital. This is after the strikes had been going on for a long time. That is a pretty good indication of what he thought about what we were doing.

Now, as for secrecy, as I have already indicated, the fact that the bombing was disclosed to appropriate Government leaders, the ones I just referred to, and to appropriate Congressional leaders, those in the Military Affairs Committee like Eddie Hébert; what is most important, and here is the bottom line, soon after this bombing started, early in this Administration, there began a steady decline finally in American casualties along the Cambodian border, and the enemy was provided with one more incentive to move to the conference table, which they began to do. The secrecy was necessary to accomplish these goals—secrecy from the standpoint of making a big public announcement about it, although there was no secrecy as far as Government leaders were concerned, who had any right to know or need to know.

Had we announced the air strikes, the Cambodian Government would have been compelled to protest, the bombing would have had to stop, and American soldiers would have paid the price for this disclosure and this announcement with their lives.

My comrades, let me just read you a letter. The President gets a lot of very moving letters during and after any period of war. This is from the father of a soldier who served along the Cambodian-Vietnamese border back in 1969.

He said, "Dear Mr. President: Back in early 1969,"—and I have his letter he wrote then, too—"I wrote to you requesting that you allow the bombing of the supply routes in North Vietnam and Cambodia. I wrote to you because my son, Douglas, who was with the 4th Infantry Division near Kontum, complained to us in his letters about all the materials and men the North was shipping in from Cambodia.

" . . . When my son was killed on March 1, 1969, I felt you let him and the other troops down by not allowing these supply lines to be bombed.

"Today I read where . . . you did approve the bombing early in 1969 . . . I now believe the Lord led you to make a proper decision in this matter, and I sincerely feel your action saved many lives and shortened that dreadful war."

President Nixon Warns of Hazards of End to U.S. Bombing in Cambodia

Following is the text of a letter dated August 3 from President Nixon to Speaker of the House Carl Albert. An identical letter was sent to Senate Majority Leader Mike Mansfield.

White House press release dated August 3

AUGUST 3, 1973.

DEAR MR. SPEAKER: By legislative action the Congress has required an end to American bombing in Cambodia on August 15th. The wording of the Cambodia rider is unmistakable; its intent is clear. The Congress has expressed its will in the form of law and the Administration will obey that law.

I cannot do so, however, without stating my grave personal reservations concerning the dangerous potential consequences of this measure. I would be remiss in my constitutional responsibilities if I did not warn of the hazards that lie in the path chosen by Congress.

Since entering office in January of 1969, I have worked ceaselessly to secure an honorable peace in Southeast Asia. Thanks to the support of the American people and the gallantry of our fighting men and allies, a cease-fire agreement in Vietnam and a political settlement in Laos have already been achieved. The attainment of a settlement in Cambodia has been the unremitting effort of this Administration, and we have had every confidence of being able to achieve that goal. With the passage of the Congressional act, the incentive to negotiate a settlement in Cambodia has been undermined, and August 15 will accelerate this process.

This abandonment of a friend will have a profound impact in other countries, such as Thailand, which have relied on the constancy and determination of the United States, and I want the Congress to be fully aware of the consequences of its action. For my part, I assure America's allies that this Administration will do everything permitted by Congressional action to achieve a lasting peace

in Indochina. In particular, I want the brave and beleaguered Cambodian people to know that the end to the bombing in Cambodia does not signal an abdication of America's determination to work for a lasting peace in Indochina. We will continue to provide all possible support permitted under the law. We will continue to work for a durable peace with all the legal means at our disposal.

I can only hope that the North Vietnamese will not draw the erroneous conclusion from this Congressional action that they are free to launch a military offensive in other areas in Indochina. North Vietnam would be making a very dangerous error if it mistook the cessation of bombing in Cambodia for an invitation to fresh aggression or further violations of the Paris Agreements. The American people would respond to such aggression with appropriate action.

I have sent an identical letter to the Majority Leader of the Senate.

Sincerely,

RICHARD NIXON.

Secretary Rogers Submits Affidavit on Cambodia to Supreme Court

AFFIDAVIT OF WILLIAM P. ROGERS¹

Washington)
District of Columbia) ss.

William P. Rogers, being duly sworn, deposes and says as follows:

1. In my capacity as Secretary of State of the United States of America, I have knowledge of and responsibility for the conduct of the foreign relations of the United States, including relations with the Government of Cambodia.

2. It is my understanding that on July 25, 1973, the United States District Court for the Eastern District of New York in the case of Holtzman et al v. Schlesinger et al, ordered the cessation of further military activi-

¹ Submitted to the Supreme Court on Aug. 4 (press release 287 dated Aug. 6).

to now, but the details of this, I would like to defer until after the confirmation.

Another important aspect in the institutionalization of foreign policy will be to bring the Congress into a close partnership in the development, planning, and execution of our foreign policy.

Yesterday, I called every member of the Senate Foreign Relations Committee and key members of the House Foreign Affairs Committee, and I told them all what I am saying to you ladies and gentlemen today.

The foreign policy of this Administration is designed not on a partisan basis, but on a national basis, and it is essential that the Congress fully understand what we are attempting to do. Even in my present position as Assistant to the President, I met regularly with the Senate Foreign Relations Committee, at first in Chairman Fulbright's house, and later, in a committee room in the Senate—at first, on a very informal basis, but later, with very full notes being taken by the committee staff.

I therefore welcome the opportunity of being able to testify regularly, and as frequently as the chairman and the members of the committee consider desirable, about the purposes and policies of the President and the Administration.

There has been some question about whether the dual position of Assistant to the President and Secretary of State may cause me to invoke executive privilege. Let me answer this now: The purpose of combining the two positions is, as the President pointed out yesterday, an attempt to move policymaking from the White House into the Department and, therefore, to make it more accessible to Congressional and public scrutiny.

I would, therefore, expect to testify about all matters that Secretaries of State have traditionally testified. In addition, I would feel it appropriate to testify about those interdepartmental matters with respect to which I spoke informally previously to the Senate Foreign Relations Committee. I would not be able to testify about personal conversations between the President and myself, or about direct advice I gave to the President, but I could not testify with respect to this in any event, and no Cabinet member is ever asked to testify with respect to conversations he has with the President. So, I know the President's intention in combining these two positions is to increase the information available to the Congress.

And the President, whom I have seen only a few minutes ago, has asked me to say that executive privilege will not be invoked except with respect to the range of issues that I have mentioned. The practical consequence of it will be that more information will be available to the Congressional committees than before.

I am certain that I will be able to work out with the chairmen of the appropriate committees and with the leadership of the Senate and the House a division between the testimony that should be in executive session and that which should be public, but this is an inevitable arrange-

ment that will have to be made between Cabinet members and Congressional committees.

The intention of the President and my intention is to establish a new and full partnership with the Congress in developing policies which are in the national interest, and now that the Vietnamese war is behind us and, therefore, the major source of division in the country about foreign policy, we know that we will be able to work out such an arrangement with the members of the Congressional committees, all of whom I know personally and have worked with in the past.

Now a word about the relationship of the department and of our foreign policy to the public. If we are going to achieve the lasting peace which we seek, and if we are going to leave behind a foreign policy tradition that will be carried on on a nonpartisan basis in succeeding administrations, we have an obligation to explain our philosophy, and purposes, and policies to the public, and after my confirmation I intend to invite leaders of various opinion-forming elements in this country to the State Department to advise us on how we can most effectively discharge this responsibility.

We will do our best to conduct foreign policy in as open a manner as is consistent with the goal which we all share, which is to bring about a lasting peace. The overriding goal, as I have said at the beginning, of any administration must be to distinguish the fluctuations of the day-to-day headlines from the more lasting achievement, and any serious person will remember and will keep in mind that what any administration will be remembered for will be the things that last and that are of benefit to our children. And all I can say is that we will make a major effort to leave behind a more peaceful world and a better America, and that is all that I wanted to say.

Now I will take a few questions, but I would like to have you understand that I will have to appear before the Senate Foreign Relations Committee for confirmation. I don't think it would be appropriate to go into detail about questions that the Senators will want to ask me and to create the impression that I want to take a public position before they have an opportunity to formulate their stand. So I hope you will excuse me if I do not go into detail on some of the questions.

Q. Mr. Secretary-Designate, you will excuse us if we try to go into detail on some questions in any case.

DR. KISSINGER. Certainly. I expect that.

Q. Prince Sihanouk has said in Peking recently that President Nixon was not telling the truth about the secret bombing of Cambodia, that in fact Prince Sihanouk did not approve of or condone in any way the secret bombing. Could you clarify that for us?

DR. KISSINGER. Well, Prince Sihanouk has a rather difficult position right now in the sense that the people that are now supporting him inside Cambodia, he had sentenced to death for treason a few years previously, and, therefore, we have to understand the delicacy of his position.

Prince Sihanouk always took the view that he would protest any air operations that involved Cambodians. He also took the position that the bombing of areas in which there were no Cambodians he would not protest. I think if you look at the record over the year that we are talking about that there was no Cambodian protest about the B-52 bombing. There were Cambodian protests when tactical air strayed across the border and got outside of the zone in which the B-52 operations took place.

Q. On that point, Doctor, was there a zone 10 miles, or were there not fighter-bomber raids closer to Phnom Penh and other operations in Cambodia during this 14 months?

DR. KISSINGER. The question is whether there were fighter-bomber raids closer to Phnom Penh than the 10 to 15 miles.

I will take this question, but I am sure that the Senate will also want to ask about it, and, therefore, I don't want to go into all the details, and also I have not consulted all the records.

The B-52 operations were confined to an area within 10 miles. Occasionally, and I think very rarely, there were some tactical air operations when there were military activities on one side of the border that continued—in which the sequence of military operations continued across the border. The tactical air operations were not initiated unless there were North Vietnamese units that came across the border, and in the pursuit of them occasionally, but very rarely, some tactical air operations took place. They could have been deeper than 10 miles, but I doubt that they were very much deeper.

Q. Doctor, when are you going to Peking, and are you going to Peking?

DR. KISSINGER. The question is when am I going to Peking, and am I going to Peking.

I plan to go to Peking, and the date now has to be subject to Senate confirmation, because I don't think it would be appropriate for me to go before I have been confirmed by the Senate. We expect to set a date soon after my confirmation has been achieved.

Q. Dr. Kissinger, a clarifying question about your opening statement. You left out Dean Rusk. Did you do that through inadvertence?

DR. KISSINGER. Dean Rusk is a man I admire greatly and a good personal friend of mine. I just gave a few examples, and he was a distinguished Secretary of State.

Q. Dr. Kissinger, a spokesman for the President of France said yesterday firstly that while he would welcome a visit, he really thought that it was more of an exchange of information, that there was really no agreement worked out, and he was specifically opposed to the Atlantic summit that you sought, particularly, you spoke about it in Reykjavik. How does this bode for your "Year of Europe" as you see it?

DR. KISSINGER. The European foreign ministers are meeting in September to develop a European response to

our proposal, and I don't think I should make a comment until we see what their response will be because there are many points of view in Europe.

Q. Mr. Secretary—[inaudible]—or now called off Cambodian negotiations to remain stalled until your trip to Peking, or do you think they might get underway? I am referring to the secret negotiations. Do you think they might get underway again before the trip to Peking?

DR. KISSINGER. The Cambodian negotiations now inevitably with the end of American bombing will depend more on the decisions of the Cambodian parties than on American decisions, and if the Congressional intent means anything, it is that the United States should not play the principal role in these activities.

I would therefore not tie any possible negotiations in Cambodia inevitably to my trip to Peking, and it will depend to a very great extent on the decisions of the Cambodian parties.

Q. Dr. Kissinger, if I may, can you forecast on a scale of optimism and pessimism as to whether these things can be begun again?

DR. KISSINGER. The discussion? I think it is too early to tell.

Helen, and then Murrey.

Q. Has Watergate severely damaged foreign policy, and also, since you submitted names to be wiretapped, and you were tapped yourself, do you think this country, or the White House, is obsessed with national security?

DR. KISSINGER. Well, I am certain that the question of the measures that were taken to protect the security of the office, which, after all, had the most sensitive information in the Government, will be discussed at the Senate hearing and on that occasion, I will answer questions with respect to that.

Any government has to strike a balance between the requirements of national security and the requirements of individual freedom, and that balance should be very carefully drawn, and one would hope that one could justify individual decisions on the ground of their necessity.

In those activities of which I was aware, which were conducted by processes that were considered legal at that time, according to legal processes, I will be prepared to account fully to the appropriate committees of the Senate.

Now, your other question on the impact of Watergate on foreign policy. The foreign countries have to assess what sort of a country they are dealing with, how steady it can be in the carrying out of its commitments, and the degree of authority possessed by its leaders.

To the extent that these are affected, there is a long-term effect on foreign policy.

Our intention will be, as I have stated prior to this appointment, to emphasize those aspects of foreign policy on which most Americans agree, to carry out a foreign policy that has the widest possible support on a bipartisan basis, and since I am confident that that can be achieved, I believe that the effect of Watergate on the conduct of foreign policy can be minimized.

Morning Briefing
 Tuesday, July 17, 1973, 11 a.m.
 (Mr. Friedheim)

(This is not a verbatim transcript; it is prepared from notes which contain the sense of the answers.)

Announcements:

1. On the Hill: Secretary Noyes of ISA is scheduled to testify before the House Foreign Affairs on Persian Gulf matters in general; some Service witnesses before the Appropriations Subcommittee's on both the House and Senate side and all three Services on continuing budget hearings.

2. The West German Minister of Defense, Mr. Georg Leber, was received with military honors at 9:00 a.m. today, greeted by the Secretary who was then his host at a breakfast. They have departed for Camp David for discussions on U.S. and Federal Republic and NATO Defense matters throughout the day. This evening they return here for an informal dinner. We think that there may be a joint communiqué issued either this evening or tomorrow.

Minister is scheduled to meet with Dr. Kissinger and others tomorrow, and departs for the Federal Republic tomorrow evening.

3. The Marines have a total force Exercise "Alkali Canyon" scheduled 1-17 August which will involve 5,000 regulars and 4,000 reservists at the Marine Corps Base, 29 Palms, California, in Desert training. Personnel from the Fleet Marine Force both Atlantic and Pacific and a number of reserve units from around the country.

4. On the matter of B-52s, nine of the aircraft have arrived at Seymour Johnson and as we said yesterday, 6 more are scheduled in this afternoon.

5. Dep Sec Clements and representatives from OASD (Manpower and Reserve Affairs) plan to present to you here at this time tomorrow the recruiting and retention statistics for FY 73. As the next few months go by we'll try to watch the statistics pretty closely on the all-volunteer force and we'll try to summarize that for you on a monthly basis.

Q: When does the minesweeping end?

A: The 18th of July is the deadline day in the second Paris agreement; that would be tomorrow; which comes up rather soon in Hanoi time. We'll stay in touch with Admiral McCauley and let you know what happens there. To the best of my knowledge we intend to end that on that schedule.

Q: Are you going to have a rundown for us?

A: If, in fact, it does conclude as in the Paris schedule, Admiral McCauley will be returning in fairly short order and we will see if we can get him to bring you up-to-date on what the circumstances were there.

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Q: How about the post-strike briefings, were they falsified or were they altered for security reasons?

A: Once again, the accurate results were channelled in special channels, in special reports, to those who had a need to know what the actual results of the actual strikes were, so that there was accurate reporting to those who had a need to know it.

Q: Can you clarify the senior officials here in Washington who gave this authority to falsify these records, can you go beyond that?

A: I discussed here yesterday that those sorts of things would normally be discussed in the national security council's various deliberative groups, and I believe Mr. Warren at the White House yesterday said that the Sec/Def was among those who participated in that, and that's true.

Q: He also said that the President approved the raids, but we're trying to find out as specifically responsible, who it was that had them burn those records and fill out some other false reports. Can you be more specific?

A: Special reporting procedures were established by the same senior officials.

Q: This opens up a new question in light of General Brown's testimony yesterday, how far does this sort of thing go? When we come in here to hear these briefings, how do we know whether we're getting an accurate report or whether we're getting a cover story and the real story is going to those who, I believe in your phrase, have a need to know? How do we know the difference?

A: I think you have the joint distinction here between what we've said to you here about those events at that time, and what was in the reporting chain in our own procedures. We did not tell you at that time that those raids occurred in South Vietnam. There were stories written about this at the time, as you recall and questions did arise here. We did not tell you no raids occurred in Cambodia. We said that was a matter that we're not able to discuss. We neither confirmed nor denied it. So in other words the special procedures didn't extend to us misleading or lying to you in the public arena. In our own reporting procedures they were extraordinary security precautions and they were for both the military and diplomatic sensitivity reasons that we mentioned here yesterday.

Q: Are you convinced that you didn't put out any lies here at the Pentagon?

A: As I recall since we were rather closely involved at the time, questions did arise from members of the media and we simply declined the opportunity to confirm or deny those reports as we do when we are not at liberty for security reasons to go into a subject with you. We simply do not address it.

Q: You never put out a cover story here that you knew to be false?

A: No, that is not our policy. When you raise questions on those kinds of subjects that we know are in a security area, that we can't address, we don't respond or respond "no comment."

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Morning Briefing
Thursday, July 19, 1973, 11 a.m.
(Lt. Gen. James, DASD PA
Mr. Friedheim, ASD PA)

(This is not a verbatim transcript; it is prepared from notes which contain the senses of the answers.)

Announcements:

1. On the Hill: Adm Zumwalt testified before House Foreign Affairs Subcommittee on homeporting in Greece; Adm Cooper, Chief of Naval Reserve testifies before House Armed Services Subcommittee on military construction; Army witnesses before House Appropriations Subcommittee on FY 74 appropriations for O&M; House Appropriations Subcommittee on FY 74 appropriations for Reserve and National Guard.

2. Secretary of Defense Schlesinger has designated Maj. Gen. Gordon Sumner, Jr., USA, as Director, Near East and South Asian Region, DASD (ISA).

Q: Does the Pentagon have any comment on Mr. Laird's interview in the New York times?

A: Lt. Gen. James. No, we don't. We are aware that he did issue a statement from over there and that statement would be available to you.

(Mr. Friedheim picks up briefing at this time.)

Q: On Cambodian bombing, its my understanding that Jerry Warren said that the President approved of the bombing and the cover up. Is it conceivable that the Secretary of Defense didn't know about it?

A: Let me see if I can address that subject. I perceive this to be, reading this morning's stories, one of those happy situations where everybody is correct. There were, as I see Mr. Laird reported as saying, special security precautions taken. It was directed that there be a situation setup in which a major campaign could undertake on a covert basis because of the diplomatic sensitivity that made it impossible to talk about in public, and Mr. Laird is quoted as saying that too. Special arrangements had to be made to see that accurate reports got to the top, to those that needed to have those accurate reports. It was not a question of trying to setup a system that would falsify records, it was a question of setting up a special reporting procedure that would get the accurate information to those that needed to have it while protecting the diplomatic sensitivity involved in Mr. Sihanouk's position at that particular time. That took a special reporting procedure. That was implemented by our experts in that business in a way that compartmented the information from people who didn't need to know it. There is nothing different here in principal from the standard classification which makes some things confidential, other things secret, other things top secret. Those with access to confidential information don't have access to all of the information in the way that those who need to have top secret information do.

This was a situation even more compartmented than that for diplomatic reasons, and only a few people needed to know the details of the

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Q: You set up a system, in other words, where sorties were reported officially throughout the lower level of the system as having attack places where they had not attacked.

A: That's correct.

Q: And that's not falsification then?

A: The purpose of the system was that those that need to know would have the accurate information. The purpose was to be able to report to you, when security made that possible, accurate figures and statistics and location. The system was not set up to totally wipe from the record those operations. If that had been the case, there wouldn't have been any reports, and that's why I'm sure that Secretary Laird and General Wheeler, who I assume is quoted correctly this morning, and others feel that they did exactly the opposite of trying to arrange for falsified records; they tried to assure that the accurate records would be available to them when they needed them, and would be available historically.

Q: Secretary Laird did approve a system of setting up to preserve a security operation. He did approve that, but you're saying he did not approve the double entry, that someone else took it on their own to set the double entry?

A: We've had a piece of evidence from the New York Times, which I really can't speak to you about, because I have not asked Secretary Laird that question.

Q: Did he approve the system of security precautions so that this would not get out?

A: The requirement that there be special security was approved at the highest levels here in Washington. The field commands worked out the mechanics of how they were going to accomplish that.

Q: General Brown in his statement to the Committee, however, said --he was then the Deputy MACV for Air--specifically that he received higher authorization, higher authority for the--implicitly he didn't quite say that, but he acknowledged that there was this double entry system and said this had been approved--the mechanics of it he said, in effect, had been approved. They knew exactly what we were doing, in fact that was his language.

A: That's what makes me suggest to you that--

Q: Responsible higher authority knew in fact what was done and judged it to be in accord with instructions. Who on earth would that be, would it be Eighth Air Force in Guam, SAC, who was the higher authority if it wasn't Laird and it wasn't Wheeler?

A: I have no reason to doubt what General Brown said, which is what makes me think that the operations and the mechanics of it were no doubt worked out in the major command which would be SAC.

Q: I happen to be one of those who thinks that you pass on to us the truth as you see it and what you think the truth to be, but how do you always know your own need to know list? How do you know that they don't give you some of those "don't need to know answers" sometimes and then you come out here and on the basis of that report to us.

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Now, where to draw the line is a very difficult question to answer. I think it has been recognized throughout our history that this is a very difficult question to answer. But generally speaking, I lean toward strict observance of legal requirements and only support a variance from that in very unusual circumstances.

Q. Mr. Secretary, pursuing that, if I understand you right, you are making it all appear as though the actions that have been taken by this administration over the last four years in the area of these two last questions were all similar to other actions taken by other administrations and that there really was nothing different that was done.

Secretary Rogers: No, I didn't intend to convey that impression. I don't believe I did.

Q. Well, for example, on the area of wiretapping you said it goes back to Roosevelt.

Secretary Rogers: I was explaining the difficulty of answering general questions on whether to approve of something that seems to be extralegal. Now, as Attorney General of the United States I approved of wiretaps in a certain limited number of cases. All of those were reported to Congress; Congress was fully apprised of those. And I was pointing out that that had been done over a number of years. There was some question at that time whether the Commander in Chief had that power or not. I felt that he did, and other Presidents have felt that he did, and other Attorneys General have felt he did. I am not saying that that is analogous to some of these other matters. And I am not going to get into each action the "plumbers" took. I tried to express the view that I think extreme caution should be exercised before laws are violated in the name of national security.

Q. Perhaps it is the use of the phrase "national security" that causes some confusion. When you were in the Eisenhower administration you didn't, I don't believe, have anything to do with wiretapping for national security; it was for foreign security. Isn't this the first administration that has claimed a right to bug for domestic security?

Secretary Rogers: Well, I don't know that. What I—

Q. I thought John Mitchell developed this doctrine—

Secretary Rogers: Let me put it this way. I was speaking about what has happened over the number of years that I have talked about. And you are perfectly right that those cases have been limited to international matters, important international matters. And it has been generally known. And Congress has been given the information about it. And all of those were approved by the Attorney General. Now, I am not making that analogous, say, to the "plumbers" operation. I am not going to go into all of the activities of the "plumbers." I have not followed it that closely. I have tried to express to you my own view on it.

Q. Mr. Secretary, in a generally related area, did you approve the dual reporting system on the bombing of Cambodia?

Secretary Rogers: No, I didn't approve it. I knew nothing about it.

Q. Mr. Secretary, earlier this year, in one of your testimonies before the Senate Foreign Relations Committee, you said that you would welcome a full and frank airing of the Watergate affair. Are you satisfied that what has been disclosed so far is full and frank?

Secretary Rogers: I'm not going to get involved in that kind of a judgment.

Soviet Flight-Testing of MIRV's

Q. Mr. Secretary, on American relations with the Soviet Union, there's been a rather obvious improvement in relations lately. In your opinion, does the fact that the Soviet Union now has flight-tested a MIRV [multiple independently targetable reentry vehicle]—is there any reason to doubt that the Soviet Union, because of MIRV, might now be seeking to gain a strategic advantage over the United States in nuclear weapons?

Secretary Rogers: I think it's a little early to judge that. The fact that the Soviet Union proceeded with a program of MIRV'ing,

Morning Briefing
Wednesday, August 29, 1973, 11:05 a.m.
(ASD Friedheim)

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Announcements:

1. No DoD witnesses on the Hill today
2. We have displayed some photos of U.S. Air Force planes arriving in Pakistan with flood relief supplies and U.S. military helicopters to assist in flood relief activities.
3. Available is a memorandum from Secretary Schlesinger to the Military Departments and others setting forth some of his views and policies concerning the Guard and Reserve -- Total Force Concept. The memo also calls for a study on Reserve Affairs to be made by OASD/M&RA under the direction of Dr. Marrs.
4. Deputy Secretary of Defense Clements speaks to the Air Force Sergeants Association tonight at the Washington (DC) Hilton.
5. We understand American Embassy, Bangkok, announced that the withdrawal from Nam Phong will start tomorrow (today, our time), with a squadron of A-6 aircraft going first, F-4s on Friday and another squadron of F-4s on Saturday so that all will have departed by 1 September.

Q: Is the Department doing anything for the Mexican earthquake victims?

A: I checked on that this morning, and we haven't been asked by State or AID to do anything at this point. Whether we will be we just don't know. Of course, we'd be standing by to do that if the diplomatic channels have a request for us to be of some assistance. So far, no request to us although I'm sure our diplomats are in touch with the Mexican Government.

Q: Secretary Schlesinger in his first news conference made a big thing about too much inter-Service rivalry, and he was going to do something about it. Has he in fact issued any sort of a directive or what sort of actions has he taken?

A: He's not codified a directive or a memo to the Services. I assume it's a subject that he's elaborated on in some of his sessions with the Service Secretaries and Chiefs in the process of the budget cycle, but there's no formal memoranda or directive on that.

Q: Do you have anything on Air Force withdrawals from Thailand?

A: No, none yet.

Q: How many planes in those three squadrons?

A: 47 -- two squadrons of F-4s, one squadron A-6s.

Q: Would you like to make it three in a row for no comment on Poseidon?

A: I don't have anything new on that.

Q: Do you have anything on the slowdown in Trident?

A: No, there hasn't been any new budget decisions on that at the moment.

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Q: I wanted to ask you a question about another subject. The only order on the secret bombing that your office was ever able to turn up so far as we know was the one that we got. Evans and Novak report this morning that Admiral Moorer has the real one, one copy. Can you get it for us?

A: I'm not in a position today to go beyond what our witnesses have testified to before the Committee. We do owe the Committee some other things. Since that time, the President has made a statement on the subject in New Orleans, in which he said that he ordered the operations.

Q: This selective mismanagement of the people's business is beginning to bug me. You come up with a November memorandum signed by Laird, and a large part of the public has been led to think that you're putting the finger on him because he's gone and there's somebody to blame it on. Some of us might think we know better, but we can't be sure.

A: I don't know that any of you reported that way. I think most of you read paragraph 9 of that memorandum. If you haven't, I suggest you read it again. It has in there the rather clear statement that the Secretary of Defense would obtain the authority for this mission. Obviously, he obtains that from higher authority. There was a discussion of that in this room the day after that, as I recall, and I know most of you saw that word obtain. That document indicates where the final higher authority lies.

Q: But your Deputy told us that was the only document you could find. It now appears that either he was wrong or Evans and Novak are wrong, and I for one would like to see the March 16 document. I can't imagine what right it has to be Top Secret-Eyes Only any more if you were able to uncover the November document.

A: There is always a possibility that there are documents that are not Department of Defense documents. There were authorities for this mission from higher authority. And I don't have the capability here to consider release to you of documents other than Department of Defense documents.

Q: You have the capability to run up to Clements' dining room and get a document declassified at lunch time and turned over to that Committee when he got back at 2:00, in Admiral Moorer's ignorance. Arriving late at the meeting he didn't even know the damned thing was declassified, and then your Deputy insisted to us that there were no other documents that the rake could seem to uncover. Now then, it is reported today that there is another document that's been uncovered. I don't expect you to hand it to us now, but I certainly don't expect to be told that it doesn't exist or that you're not ever going to give it to us. Won't you even look into it?

A: I think the correct situation is as I believe Bill (Beecher) stated it to you that day, there is not in our files a memo similar to the memos that were used on other occasions, a representative copy of which you have seen, involving General Wheeler asking the Secretary of Defense to obtain authority for Menu strikes. There is not that sort of a memo document for the first strike. The first strike was, of course, authorized and ordered; and it was, as you all know, authorized and directed from authorities higher than this building.

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Q: You're now saying the first strike was a verbal order, because you didn't know that for sure before?

A: What we're saying is that there still is not evident in our files, and we really don't think there exists, a memorandum similar to the one that you saw--which earlier memorandum would apply to March 18th. There were, of course, other documents in the NSC system.

Q: You're doing the same thing that Laird has done to us, and that is there has never been any question that the President authorized the Menu operations. That has never been the issue.

A: That's why I fail to see why people would think the Secretary of Defense had authorized them, or that General Wheeler had authorized them, as appeared to be the issue of one column this morning apparently.

Q: No. The issue is where the dual-reporting system was initiated and authorized. Who specifically ordered the false reporting aspects of the Menu operation to be done? That is the principal issue. There's never been any question that you don't go in and launch 3,000 B-52s against Cambodia without the President ordering it. That was made clear--Ziegler said it to begin with--so that's not the issue. The fact that you had to obtain authorization for Menu strikes is not the question. The question is who started that situation that all strikes to go to Cambodia should have South Vietnamese targets designated on the flight request. That's the salient paragraph in that Laird-signed memo, and that's the thing we're trying to find out, where that started. And that's the thing it seems to me that Evans and Novak were saying this morning exists in Moorer's file. Does it exist?

A: I don't know that anything like that exists in Admiral Moorer's files. The fact of the matter is, and I thought this had been rather straightforwardly stated in the testimony, that the operations themselves and the special security precautions surrounding them--to include use of cover targets--were authorized in the NSC system and transcended the decision of the Secretary of Defense. It seems to me that's in the testimony several places.

Q: That's still not a complete sentence, because you're talking about cover targets. We know that cover targets were bombed. We're still trying to find out if you would broaden that and say, reporting of targets in South Vietnam that were actually struck in Cambodia. Would you broaden your statement to say that?

A: You lost me a little bit there.

Q: We know from what's happened, that aside from the bombing in Cambodia, there were cover targets struck, actually struck.

A: To the best of our knowledge, that remains correct, and I think we testified to that.

Q: That is still not what we're getting at. We're trying to get at the raids which actually landed in Cambodia and were reported as having taken place in South Vietnam. We're trying to find out who ordered that, not the fact that there were actual cover strikes carried out, but we want to know--

Q: The same thing would be true. Who screwed up the reports deliberately?

Q: Did those orders come from the NSC system?

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A: It seems to me that all of these questions have been answered in the testimony.

Q: If you think it's been answered, tell us. The closest we got was Wheeler saying it just grew up within the system, and when they said who was the system, he said, "in the military." That's the closest we ever got.

A: That's the answer that I have in mind. That answer it seems to me represents the best thing that we know. There was a directive worked out in the National Security Council process. It directed special security precautions, to include the use of cover targets. Those directives were transmitted to the Secretary of Defense and to the Chairman of the Joint Chiefs. In implementing those directions, as General Wheeler said, the JCS system implemented a cover target system and in doing that, that action made it necessary that you not have in the secret-level computer information that was being held at higher levels of security. By the act of implementing a directive to use cover targets, you in fact built into the system one set of reporting at the secret level and a further set of reporting at the special-access level.

Q: What is the origin of this March 16 memorandum? Is this an OSD document, a JCS document, a White House document, NSC document?

A: With the responsibilities that I hold here, I can only state that there is not a Department of Defense document of that date.

Q: Let's take your statement one step further. I think that explains a number of things, but--

A: I think General Wheeler thinks he's already said that.

Q: I don't think anybody's actually said that before. Taking this statement then, that does mean that if the actual implementation of how these security procedures--these generalized security procedures--were issued, if the actual implementation started or was initiated by JCS, then Mr. Laird did approve the JCS procedure for how to go about this, because he's continued to point his finger at NSC and the White House in a manner which indicates that they started the actual dual-reporting system. From what you said, and from what we've seen on that November memo, it appears that the dual-reporting was initiated by JCS, and Mr. Laird approve that technique.

A: The decision to have special security procedures here, to include the use of cover targets, was directed to this building through the NSC process. The President has said in New Orleans that he made the decision to conduct these strikes and that he required secrecy. That's in his statement in New Orleans.

Q: But those instructions did not include instructions for a dual-reporting system on flight orders, is that correct?

A: Instructions to this building included the direction to implement the use of cover targets, and that means you have to report with cover targets, and I think that that's the reason why General Wheeler and the former Secretary of Defense feel that they were directed to do that.

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Q: Who devised the special security procedures?

A: Again, it seems to me that the testimony has gone into this at great length. The decision and the procedures were worked out in the NSC machinery by the people who work in that machinery, and the directives were transmitted via that machinery. The decision to utilize a cover story and cover targets were directed in the NSC machinery. There are a number of people who are a part of that. The Chairman of the Joint Chiefs participates in some of those meetings, the Secretary of Defense does, other people from other buildings around town participate in that, members of the NSC staff participate in it. So it's hard to say that any one individual who was participating in that machinery made a decision. I think General Wheeler feels it was a matter discussed in the proper forum--from which he received directions from appropriate civilian authority--which required a cover target system and which he implemented. Once he had been required to have a cover target system it was inevitable and understood by everybody that that would require reporting some things at the secret level on the cover targets and other things to be directly reported by special channels to the National Command Authorities who needed to know about it.

Q: But who made the decision to lie to Congress?

A: You're in a whole other arena there.

I really don't want to try to reconstruct all of the testimony here, bearing in mind, as John points out, that we owe the Committee some other answers.

Q: All of the senior officials who had a need to know about these particular aids knew that it would involve what members of the news media have termed false reporting? They knew that?

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A: They knew that the directives to undertake the operations required for reasons of diplomatic secrecy the use of cover targets, which would require some reporting using the cover targets as cover.

Q: In your clarification, the National Security machinery--you don't mean the National Security Council, you mean the whole national security apparatus.

A: You all understand how the system works. You do not always have a meeting of the statutory members of the National Security Council. There are many subcommittees that work in that operation. And, of course, the National Security Council machinery is not a decision-making machinery. The decisions are made by the President, and, as he said in New Orleans, he authorized the operation because he was sure it would save American lives during the withdrawal, and he directed that there be secrecy.

Q: In trying to answer Senator Hughes' question which produced that November document and your search of the files, did you find other documents that are more pertinent to this but did not give them to him because they are not Department of Defense documents? In other words, did you find directives from the NSC that would make this clearer but didn't feel that you were free to provide those to him?

A: No.

Q: You didn't find any directives from the NSC that would clarify the situation?

A: In the circumstances that led up to utilizing the memorandum that Secretary Clements chose, we did not find any document that we felt would make it any more clear to the Committee what had happened. We, of course, were looking in our files and for DoD documents. The question from Senator Hughes was, is there something that shows that General Wheeler and the Secretary of Defense participated in this chain of command, in effect. I paraphrase roughly the question. It was felt that that memorandum is representative--typical--as Secretary Clements presented it as being; that it showed how the chain of command had worked and it was provided primarily--I think the Committee's interest was to see at that point that there was civilian control involved here--and it did indicate that the authority had to be obtained by the Secretary of Defense from higher authority. We thought that was fair and explanatory of the process, and in fact it is.

Q: Have you since found any NSC document or directives from someplace else in your files that would help to clarify this further?

A: I don't want to talk about other people's documents. It's just not my responsibility.

Q: The Wheeler memo implies a response to questions from Laird. Have you ever found or can you provide to us the questions he's responding to? They indicate some doubts on the part of Laird, most about whether the bombs were hitting the Cambodian people--

A: That would have been a document that we have. I don't know whether that's been found or not. I can ask that question. Obviously, the Secretary of Defense asked--perhaps verbally--that some special subjects be covered in the next memorandum from the Chairman transmitting General Abrams' request for Menu strikes.

Q: The context in which the Committee asked, when that Laird-Wheeler memo showed up, was not the question of who authorized the bombing--that was reasonably clear from the beginning--the context in which that material was sought and presented was how did the dual-reporting system originate, and therefore that document became a bomb-snell. Not because it said obtain permission from the President for the Menu strikes, but because it showed how the dual-reporting system worked and that Laird approved it. That's why, in my view, the letter or document which Evans and Novak refer to this morning is of principal importance, if there is such a document. It would be fitting to let us know whether there is such a document and in general what it says.

A: I understand what you're saying. I understand the situation that Mike describes here.

Q: You're saying that basically the NSC, the President, approved the cover strikes, OK, and therefore you can't understand why we're asking questions about dual-reporting, because it is logical to assume that if you're going to have a cover story, you're going to wind up with some dual reporting, right?

A: That's as General Wheeler tried to explain it to the Committee, and I thought that did explain it.

Q: You can't have one without the other, in other words?

A: That's correct.

Q: Which is what I asked Bill the day after we got the November memo. I could never get an answer on that. So in effect ordering cover strikes is ordering dual report.

A: It has that effect, yes.

Q: OK, and so that someone in the military, within the JCS let's say, who comes up with a dual-reporting system, that person is not overstepping his authority, or that body is not overstepping its authority, by coming up with a dual-reporting system, it's simply complying with orders and it is understood that those orders mean to have dual reporting, correct?

A: That certainly is what General Wheeler perceived to be the directions that he received, and I think he would agree with your analysis.

Q: I hate to belabor this, but the point that was meant there is there a difference between cover strikes, which actually take place, and dual reporting. In fact, when they released the memo showing the Laos bombing as an attempt to indicate that cover stories have happened before, it was never stated and, in fact, it was denied by the people I talked to who were aware of those strikes, that there was a dual-reporting system. In other words, the strikes in Laos were reported as in Laos, but there were also cover strikes along the South Vietnamese border, so there are two separate things. So having cover strikes does not necessarily mean you're going to have false reporting at some level.

A: Once again, all the people who participated in this did not perceive it to be false reporting, or falsification of records. They think that they did exactly what they were directed to do, which was to provide one set of information listed on the

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Morning Briefing
Tuesday, July 17, 1973, 11 a.m.
(Mr. Friedheim)

(This is not a verbatim transcript; it is prepared from notes which contain the sense of the answers.)

Announcements:

1. On the Hill: Secretary Noyes of ISA is scheduled to testify before the House Foreign Affairs on Persian Gulf matters in general; some Service witnesses before the Appropriations Subcommittee's on both the House and Senate side and all three Services on continuing budget hearings.

2. The West German Minister of Defense, Mr. Georg Leber, was received with military honors at 9:00 a.m. today, greeted by the Secretary who was then his host at a breakfast. They have departed for Camp David for discussions on U.S. and Federal Republic and NATO Defense matters throughout the day. This evening they return here for an informal dinner. We think that there may be a joint communiqué issued either this evening or tomorrow.

Minister is scheduled to meet with Dr. Kissinger and others tomorrow, and departs for the Federal Republic tomorrow evening.

3. The Marines have a total force Exercise "Alkali Canyon" scheduled 1-17 August which will involve 5,000 regulars and 4,000 reservists at the Marine Corps Base, 29 Palms, California, in Desert training. Personnel from the Fleet Marine Force both Atlantic and Pacific and a number of reserve units from around the country.

4. On the matter of B-52s, nine of the aircraft have arrived at Seymour Johnson and as we said yesterday, 6 more are scheduled in this afternoon.

5. Dep Sec Clements and representatives from OASD (Manpower and Reserve Affairs) plan to present to you here at this time tomorrow the recruiting and retention statistics for FY 73. As the next few months go by we'll try to watch the statistics pretty closely on the all-volunteer force and we'll try to summarize that for you on a monthly basis.

Q: When does the minesweeping end?

A: The 18th of July is the deadline day in the second Paris agreement; that would be tomorrow; which comes up rather soon in Hanoi time. We'll stay in touch with Admiral McCauley and let you know what happens there. To the best of my knowledge we intend to end that on that schedule.

Q: Are you going to have a rundown for us?

A: If, in fact, it does conclude as in the Paris schedule, Admiral McCauley will be returning in fairly short order and we will see if we can get him to bring you up-to-date on what the circumstances were there.

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Q: How about the post-strike briefings, were they falsified or were they altered for security reasons?

A: Once again, the accurate results were channelled in special channels, in special reports, to those who had a need to know what the actual results of the actual strikes were, so that there was accurate reporting to those who had a need to know it.

Q: Can you clarify the senior officials here in Washington who gave this authority to falsify these records, can you go beyond that?

A: I discussed here yesterday that those sorts of things would normally be discussed in the national security council's various deliberative groups, and I believe Mr. Warren at the White House yesterday said that the Sec/Def was among those who participated in that, and that's true.

Q: He also said that the President approved the raids, but we're trying to find out as specifically responsible, who it was that had them burn those records and fill out some other false reports. Can you be more specific?

A: Special reporting procedures were established by the same senior officials.

Q: This opens up a new question in light of General Brown's testimony yesterday, how far does this sort of thing go? When we come in here to hear these briefings, how do we know whether we're getting an accurate report or whether we're getting a cover story and the real story is going to those who, I believe in your phrase, have a need to know? How do we know the difference?

A: I think you have the joint distinction here between what we've said to you here about those events at that time, and what was in the reporting chain in our own procedures. We did not tell you at that time that those raids occurred in South Vietnam. There were stories written about this at the time, as you recall and questions did arise here. We did not tell you no raids occurred in Cambodia. We said that was a matter that we're not able to discuss. We neither confirmed nor denied it. So in other words the special procedures didn't extend to us misleading or lying to you in the public arena. In our own reporting procedures they were extraordinary security precautions and they were for both the military and diplomatic sensitivity reasons that we mentioned here yesterday.

Q: Are you convinced that you didn't put out any lies here at the Pentagon?

A: As I recall since we were rather closely involved at the time, questions did arise from members of the media and we simply declined the opportunity to confirm or deny those reports as we do when we are not at liberty for security reasons to go into a subject with you. We simply do not address it.

Q: You never put out a cover story here that you knew to be false?

A: No, that is not our policy. When you raise questions on those kinds of subjects that we know are in a security area, that we can't address, we don't respond or respond "no comment."

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Morning Briefing

Wednesday, August 29, 1973, 11:05 a.m.

(ASD Friedheim)

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Q: Do you have anything on Air Force withdrawals from Thailand?

A: No, none yet.

Q: How many planes in those three squadrons?

A: 47 -- two squadrons of F-4s, one squadron A-6s.

Q: Would you like to make it three in a row for no comment on Poseidon?

A: I don't have anything new on that.

Q: Do you have anything on the slowdown in Trident?

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Q: The context in which the Committee asked, when that Laird-Wheeler memo showed up, was not the question of who authorized the bombing--that was reasonably clear from the beginning--the context in which that material was sought and presented was how did the dual-reporting system originate, and therefore that document became a bomb-shell. Not because it said obtain permission from the President for the Menu strikes, but because it showed how the dual-reporting system worked and that Laird approved it. That's why, in my view, the letter or document which Evans and Novak refer to this morning is of principal importance, if there is such a document. It would be fitting to let us know whether there is such a document and in general what it says.

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cover targets that could be available to anybody that needed to know that airplanes now had flown too many hours and needed maintenance and another set of information that went to the National Command Authorities. There were going to be two sets of information. There had to be in the special security system.

Q: The point I'd like to make, and I'd want to know if you agree with it, is that having cover strikes does not necessarily require false reporting, that's my word "false," or dual reporting.

A: I think you have to bear in mind here whether you're talking about a one-time cover operation or something that proceeds over a period of time. If you're talking about a one-time event, the invasion of North Africa, you can have that and you can have the cover story, and once the invasion has occurred the cover is no longer required. This proceeded over a period of many months, and the cover target system was maintained over a period of many months. There were things that had to be known about during that period of months. Perhaps the timespan here is what created the problem.

Q: There's a distinct difference between cover strikes and cover targets that are never actually hit. Now, did the directive from the NSC machinery specify that you would both have cover strikes and cover targets?

A: To the best of our ability to reconstruct this situation, the cover targets that were involved, were struck. There may have been rare exceptions to that for various reasons, but the best of our knowledge is that the cover targets designated were in fact struck.

Q: Are you saying every cover target was struck?

A: No, I can't tell you "every"; there could have been weather aborts or something on some occasions. As we reconstruct what happened, cover targets on the Vietnamese side of the border were struck, at the same time that Cambodia targets were struck.

Q: As I recall there were very few that were struck.

A: That's Ed's question, I was just trying to respond to.

Q: Those hit in Cambodia were reported as being in South Vietnam, that's the problem.

Q: Was that specified in the NSC directive, that there should be a cover target in South Vietnam for every actual strike in Cambodia?

A: The decision to utilize a cover target system was worked out in the NSC machinery.

Q: Then your answer is yes.

A: My answer is as I gave it.

Q: You've been reluctant to talk about directives that the Pentagon may have received from other places. In other words, documents in your files that originated someplace else. Will the White Paper that Mr. Clements is working on produce those kinds of documents, or will it be like the Pentagon Papers with important documents left out?

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Morning Briefing

Monday, July 16, 1973, 11:00 a.m.

(ASD Friedheim)

(This is not a verbatim transcript; it is prepared from notes which contain the sense of the answers.)

Announcements:

1. On the Hill: Navy witnesses before House Appropriations Committee on military construction; the Senate confirmed on Saturday the nominations of Mr. McLucas to be Secretary of the Air Force and General Brown to be Chief of Staff, USAF; the Senate Armed Services Committee in open hearings on bombing in Cambodia has just released into the record a letter from Secretary of Defense Schlesinger to the Chairman and a letter from General Brown to the Chairman, and we will make those available to you.
 2. General Fred Weyand, USA, has completed his mission to Cambodia and South Vietnam and he is making his report to Secretary Schlesinger today. I don't have any characterization of that report at the moment. We'll keep track of that for you and see if there are any details that we can make available to you.
 3. Secretary Schlesinger is continuing a series of Congressional consultations on matters of Defense interest. He had breakfast here with several Democratic member of the House and hopes to see Speaker Albert later this morning. This afternoon he's scheduled to see the House Republican Leadership on the Hill.
 4. The Secretary has designated MGen. Frank Clay, USA, as DASD(H&E), Drug and Alcohol Control. General Clay will replace General Singlaub. There are a number of other general/flag officer assignments being announced by the Secretary today.
- Q: Let's go back to this meeting with the people in Congress. What's he doing generally, lobbying for the budget or why is he meeting them?
- A: Just general consultations on general subjects. No specific subject at the moment. He feels that it's part of his job to be available and to discuss those things with Members of Congress.
- Q: You just call it a "get acquainted" session then, is that what you call it?
- A: I'm sure he knows most of these Members from his previous jobs but he has not had a chance to see them all in a personal session since he became Secretary. He's testified to most of the Committees. I'm sure they discussed general things like NATO, Volunteer Force, etc. It will be a continuing sort of thing.
5. Girl's Nation is in the building today for their annual session here. There will be a number of briefings on the Volunteer Force. Lt. General James talks to them later today. We have a schedule and any of you that wish to listen to any of those sessions are welcome.

MORE

A: I think that the American people would, no doubt, have supported anything that contributed to the safety of our personnel who were then beginning a withdrawal program, but the American public was not the only entity involved in this situation. Therefore, there were diplomatic--

Q: You said you might have been foreclosed from conducting these operations. Who's going to foreclose you, if you discuss it. Cambodia or Congress?

A: I don't think that I can get into it any more specifically.

Q: It sounds like you're talking about Hanoi at some times, but how could Hanoi stop us from bombing in Cambodia?

A: The judgment at that time was that there were other considerations involved which might have complicated our ability to do what we thought was militarily necessary.

Q: Did Sihanouk ask us to keep it secret, was he still in at that stage? Did he say, please don't do it publicly?

A: I'm really not in a position to get into the detailed discussion of the diplomacy of 1969--1970. You all know the history of the situation, and you know that there was a change in the government of Cambodia, and you know that after that time we were able to handle the problem in the sanctuaries in a more open way than we were before that time.

Q: It wasn't Congress you were trying to (inaudible), are you prepared to say that?

A: You will find that key Members of Congress, many of whom visited this area during that time, were aware of what was going on.

Q: Who specifically were they?

A: I wouldn't name names from here, that's up to them.

Q: You said these raids were carried out with the approval of senior military and civilian officials in Washington. Was approval also sought of the Cambodian government and did they give their approval, tacit or otherwise?

A: I'm really not in a position to discuss that here.

Q: You said key Members of Congress, do you mean appropriate Chairmen of Congressional committees, majority leaders and minority leaders, they would have been advised of these reported air strikes?

A: These were those in the Congress in positions of responsibility for this Department who were aware of this. Your colleagues who are covering the hearings may have something further on that today.

Q: When were they first told?

A: I can't really answer that. You recall that it was not unusual, during that period of time, for Members of Congress to be in that area of the world and they talked with our Commanders there. The operations in South Vietnam and in the border areas along South Vietnam were the responsibility of MACV and many of them visited MACV and talked with General Abrams at that time.

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Morning Briefing

Thursday, July 19, 1973, 11 a.m.

(Lt. Gen. James, DASD PA

Mr. Friedheim, ASD PA)

(This is not a verbatim transcript; it is prepared from notes which contain the senses of the answers.)

Announcements:

1. On the Hill: Adm Zumwalt testified before House Foreign Affairs Subcommittee on homeporting in Greece; Adm Cooper, Chief of Naval Reserve testifies before House Armed Services Subcommittee on military construction; Army witnesses before House Appropriations Subcommittee on FY 74 appropriations for O&M; House Appropriations Subcommittee on FY 74 appropriations for Reserve and National Guard.

2. Secretary of Defense Schlesinger has designated Maj. Gen. Gordon Sumner, Jr., USA, as Director, Near East and South Asian Region, DASD (ISA).

Q: Does the Pentagon have any comment on Mr. Laird's interview in the New York times?

A: Lt. Gen. James. No, we don't. We are aware that he did issue a statement from over there and that statement would be available to you.

(Mr. Friedheim picks up briefing at this time.)

Q: On Cambodian bombing, to my understanding that Jerry Warren said that the President approved of the bombing and the cover up. Is it conceivable that the Secretary of Defense didn't know about it?

A: Let me see if I can address that subject. I perceive this to be, reading this morning's stories, one of those happy situations where everybody is correct. There were, as I see Mr. Laird reported as saying, special security precautions taken. It was directed that there be a situation setup in which a major campaign could undertake on a covert basis because of the diplomatic sensitivity that made it impossible to talk about in public, and Mr. Laird is quoted as saying that too. Special arrangements had to be made to see that accurate reports got to the top, to those that needed to have those accurate reports. It was not a question of trying to setup a system that would falsify records, it was a question of setting up a special reporting procedure that would get the accurate information to those that needed to have it while protecting the diplomatic sensitivity involved in Mr. Sihanouk's position at that particular time. That took a special reporting procedure. That was implemented by our experts in that business in a way that compartmented the information from people who didn't need to know it. There is nothing different here in principal from the standard classification which makes some things confidential, other things secret, other things top secret. Those with access to confidential information don't have access to all of the information in the way that those who need to have top secret information do.

This was a situation even more compartmented than that for diplomatic reasons, and only a few people needed to know the details of the

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A: I think the public should have known this at this time and I'm pleased that we were able to work it out with the gentle prodding of the Committee. I think that's the way the system is supposed to work.

Q: Were key members of Congress informed prior, during or after these air operations?

A: My best guestimate would be at the beginning of the operations?

Q: Were you attempting to tell us that one of the reasons for withholding this information from the Committee as recently as a month ago, was because of ongoing efforts to deal with Prince Sihanouk?

A: Not being the spokesman for diplomatic affairs or negotiations in this government act, I can only refer you to your own writings during that period at which all of you discussed the possibility of that prospect.

Q: Before we drop the responsibility of the mechanics of this reporting system to the laps of SAC, would General Abrams have known this or would he require that he be told of this system?

A: I'm certain that General Abrams, who had requested these efforts in the sanctuaries for the purpose of the safety of his people while he was beginning the withdrawal, I think he was at the same position of General Brown, where the directions to conduct this and the operations and the mechanics of the procedures came to him from higher headquarters.

Q: Came to him from higher headquarters--mechanics from higher headquarters?

A: The same as General Brown's letter indicated. They were both in the same arena. They were in Saigon.

Q: You're saying SAC supplied the mechanics for both MACV and the 7th Air Force?

A: I'm saying to you that I cannot be positive where the mechanics were worked out. It is my best judgment, as of this morning, that the mechanics would have been worked out by the experts in operations and in security at the major command involved. That would be SAC.

Q: Are you looking into this? Are you investigating this?

A: I'll see if I can be more precise than that.

Q: Assuming that SAC did work out the mechanics of this double entry system--

A: The other possibility, obviously, would have been in JCS operations and I'm simply taking at face value today, since I don't have any better evidence, your comment with Gen. Wheeler that would indicate his organization was not the one involved.

Q: CINCPAC is also a possibility would you agree, would that be possible?

A: It's possible. It's less likely since the B-52 operations normally would have been organized by SAC, not by CINCPAC, even though CINCPAC would have been in the chain of command.

Q: Will there be any more figures from one time to another?

A: No, I hope we've got that taken care of now.

Morning Briefing
Tuesday, July 17, 1973, 11 a.m.
(Mr. Friedheim)

(This is not a verbatim transcript; it is prepared from notes which contain the sense of the answers.)

Announcements:

1. On the Hill: Secretary Noyes of ISA is scheduled to testify before the House Foreign Affairs on Persian Gulf matters in general; some Service witnesses before the Appropriations Subcommittee's on both the House and Senate side and all three Services on continuing budget hearings.
 2. The West German Minister of Defense, Mr. Georg Leber, was received with military honors at 9:00 a.m. today, greeted by the Secretary who was then his host at a breakfast. They have departed for Camp David for discussions on U.S. and Federal Republic and NATO Defense matters throughout the day. This evening they return here for an informal dinner. We think that there may be a joint communique issued either this evening or tomorrow.
- Minister is scheduled to meet with Dr. Kissinger and others tomorrow, and departs for the Federal Republic tomorrow evening.
3. The Marines have a total force Exercise "Alkali Canyon" scheduled 1-17 August which will involve 5,000 regulars and 4,000 reservists at the Marine Corps Base, 29 Palms, California, in Desert training. Personnel from the Fleet Marine Force both Atlantic and Pacific and a number of reserve units from around the country.
 4. On the matter of B-52s, nine of the aircraft have arrived at Seymour Johnson and as we said yesterday, 6 more are scheduled in this afternoon.
 5. Dep Sec Clements and representatives from OASD (Manpower and Reserve Affairs) plan to present to you here at this time tomorrow the recruiting and retention statistics for FY 73. As the next few months go by we'll try to watch the statistics pretty closely on the all-volunteer force and we'll try to summarize that for you on a monthly basis.

Q: When does the minesweeping end?

A: The 18th of July is the deadline day in the second Paris agreement; that would be tomorrow; which comes up rather soon in Hanoi time. We'll stay in touch with Admiral McCauley and let you know what happens there. To the best of my knowledge we intend to end that on that schedule.

Q: Are you going to have a rundown for us?

A: If, in fact, it does conclude as in the Paris schedule, Admiral McCauley will be returning in fairly short order and we will see if we can get him to bring you up-to-date on what the circumstances were there.

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Q: You were in the need to know chain then. You did know of these raids?

A: Yes. Sec Henkin also. In other words, if we did not know, we might have responded to you incorrectly in 1969 and denied that there were ever any strikes in Cambodia. We did not do that, we just simply did not address that. You remember Laos, for many months early in my tenure here, when you raised the subject of Laos, we simply declined to discuss that with you.

Q: Why, when all of these raids were classified in the first place, was it necessary to take these extraordinary precautions to take these papers out and burn them; were not they classified anyway?

A: Again, without knowing everything that occurred in the field, I suspect that that one individual was the only person on that particular site who was cleared to know this particular security information and he was not at liberty to share it with anybody else there, and so he disposed of the material that he had. It is not unusual for there to be compartmentizations of operational security and intelligence matters. You are familiar with burnbags that sit either places around this building and other buildings in town.

Q: Taking into account that those being bombed knew they were being bombed, as they always do, who were the spies that might have found out about this that we didn't want to know and required this extraordinary precaution?

A: I don't think I can explain it any better today than we did yesterday when I mentioned to you that there were both military operational and diplomatic sensitivities involved at that time in 1969 and early 1970. We discussed here yesterday, among other things, that the change in Government that occurred in Cambodia in the spring of 1970, after which time we undertook some further activities into the sanctuaries along that border and were able to talk with you about the fact of our operations there.

Q: Earlier this year, Senator Hughes asked Sec Richardson when he was on the Hill, now that the war is "over", could he have a complete rundown on where bombs had been dropped and how many tons throughout Southeast Asia, and the Secretary replied that this was highly sensitive and that he could not provide the information. Then about a month ago, what appeared to be this information was provided and it's printed in the Committee transcript of their hearings. Now we learn that this report to the Senate Armed Services Committee is incomplete, it leaves out these Cambodian raids and reading this, presumably the information as supplied by the Pentagon, I have no way of knowing that this is an incomplete thing. Was the Committee told that this was incomplete, it doesn't say deleted?

A: As you know, that report was sent to the Committee at the Committee's request and as you heard yesterday in the hearings, I think, at least several members of the Committee were aware of this particular situation for many years back, including the time that it occurred. When we transmitted that report the Acting Chairman, Mr. Symington, asked us if we would readdress the subject of these particular strikes into Cambodia for historical record purposes. He raised that again with Sec Schlesinger when this particular series of hearings developed last week, and Mr. Schlesinger agreed to acknowledge that at the request of the Chairman.

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DOD Morning Briefing
Friday, July 20, 1973, 11 a.m.
(Lt. Gen. James, DASD PA and
Mr. Friedheim, ASD PA)

(This is not a verbatim transcript; it is prepared from notes which contain the sense of the answers.)

Announcements:

1. Release on new assignments of Army Flag and General Staff officers.
2. Speech: Deputy Assistant Secretary of Defense for Equal Opportunity, Mr. H. Minton Francis at the Defense Race Relations Institute, Patrick AFB, Florida.
3. Release on military strength figures for June, 1973.
4. Release on progress that is being made in the Department in reducing consumption of petroleum by the Armed Forces and Defense Agency.
5. Release on three Soviet Naval TU 95 Bear D reconnaissance aircraft landed at Jose Marti Air Field near Havana, Cuba, this morning. This is the second deployment of Bear D aircraft to Cuba this year. Aircraft normally remain in Cuba several days and then depart. Since these short duration Bear-D visits began in 1970 there've been twelve such deployments.

Q: Do they always go in three's?

A: I think that is true. I think the others have been three, but I'll verify that for you.

Q: How do we know they did?

A: I'm not prepared to address that this morning, but I can assure you that they landed there.

Q: Do you know what their flight time was coming down?

A: I don't have that.

Q: You can't tell us what route they followed?

A: No.

Q: Do they have to refuel?

A: No, I don't think so. I'll have to get that for you.

Q: What do they go for besides giving you something to tell us about?

A: I don't know.

Q: Do you normally announce each of these deployments, or is this unusual?

A: Yes, we have announced them to you in the past.

Q: What did the mission statement say?

A: The mission, we don't have that, of course. We were not "privy" to that information.

(MORE)

to advise the Committee staff that that document that you have no longer needs to be held in a Secret classification.

Q: No indication there was anything more than clerical, potentially clerical, mistakes in it?

A: No.

Q: Exactly what date was that?

A: All these dates are extant. I can pull them together for you. I don't have them all in my head. It would have been around 18 of June, something like that.

Q: Was the Pentagon not aware during all of this subterfuge they were practicing with the Committee, were they not aware the committee knew you had your hand in the cookie jar because of the letter they got in January?

A: Of course, all these things were undertaken with the knowledge that some members of the Committee knew that things had occurred in Cambodia in 1969 and early 1970 and there was no reason to think they would have been misled by those sorties still not appearing at a level of classification which was not sufficient enough to cover those operations.

Q: Some of the Members knew of the double reporting system?

A: Yes. Again, as we've been over again and again here before, that's maybe a mitigating factor; it doesn't really excuse the problem. An incorrect report should not go to the Congress. It certainly shouldn't go to you all, and that was a blunder of some magnitude which, obviously, everybody's sorry about at the moment. Hopefully we'll all learn something from it.

Q: How did you hope to get away with it? You must have known that sooner or later Knight would be produced, that he would testify, and you would be caught in another lie? Why did you do it?

A: Obviously, we weren't smart enough to foresee that consequence apparently. The error was made, and it was an error. In retrospect, the documents should not have gone to the Congress or you unless we were prepared to provide them in a candid and complete way. Judgments were made about that, and those judgments were incorrect. It took the bureaucracy, as I said yesterday, at the gentle prodding of the Committee, some months to correct that erroneous decision. We can only be glad that ultimately we did get it corrected.

Q: Do you happen to remember the date that that incorrect report went to Congress and on which you also gave it to us?

A: Let me get all the dates for you. We'll list those. I don't have them in my head here.

After this meeting that I have just spoken to, I made the decision. I ordered American airpower employed directly and continually against the enemy-occupied base areas from which Communist soldiers had been attacking and killing American soldiers.

And so today, there is great anguish and loud protest from the usual critics, "Why did the United States make a secret attack on tiny Cambodia?" Of course, this is absurd. These strikes were not directed at the Cambodian army or the Cambodian people; they were directed at the North Vietnamese invaders who, at that time, had occupied this area within Cambodia and were killing Americans from this area.

This is the significant thing: The Cambodian Government did not object to the strikes.

In fact, while they were in progress in the spring of that year, Prince Sihanouk, then the leader of the Cambodian Government, personally invited me very warmly to make a state visit to the Cambodian capital. This is after the strikes had been going on for a long time. That is a pretty good indication of what he thought about what we were doing.

Now, as for secrecy, as I have already indicated, the fact that the bombing was disclosed to appropriate Government leaders, the ones I just referred to, and to appropriate Congressional leaders, those in the Military Affairs Committee like Eddie Hébert; what is most important, and here is the bottom line, soon after this bombing started, early in this Administration, there began a steady decline finally in American casualties along the Cambodian border, and the enemy was provided with one more incentive to move to the conference table, which they began to do. The secrecy was necessary to accomplish these goals—secrecy from the standpoint of making a big public announcement about it, although there was no secrecy as far as Government leaders were concerned, who had any right to know or need to know.

Had we announced the air strikes, the Cambodian Government would have been compelled to protest, the bombing would have had to stop, and American soldiers would have paid the price for this disclosure and this announcement with their lives.

My comrades, let me just read you a letter. The President gets a lot of very moving letters during and after any period of war. This is from the father of a soldier who served along the Cambodian-Vietnamese border back in 1969.

He said, "Dear Mr. President: Back in early 1969,"—and I have his letter he wrote then, too—"I wrote to you requesting that you allow the bombing of the supply routes in North Vietnam and Cambodia. I wrote to you because my son, Douglas, who was with the 4th Infantry Division near Kontum, complained to us in his letters about all the materials and men the North was shipping in from Cambodia.

"... When my son was killed on March 1, 1969, I felt you let him and the other troops down by not allowing these supply lines to be bombed.

"Today I read where ... you did approve the bombing early in 1969 ... I now believe the Lord led you to make a proper decision in this matter, and I sincerely feel your action saved many lives and shortened that dreadful war."

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(Mr. Friedheim)

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MORE

Q: Is your estimate still 25.4 million to the cost of this?

A: We'll try to pin that down for you when we get to the end. That particular figure, as I understand it, would not be an incremental figure; that's kind of a total figure that we included all of the operations. Some of those things would be going on normally with those ships.

Q: On that bombing prior to May 1970, is it conceivable that the pilots did not know that they were over Cambodia?

A: No. A B-52 navigator knows where he is in the world.

Q: Do we know yet how high up the order to falsify the records came from? Did this come from the President?

A: I don't know that serves much useful purpose to go over again today everything that we said here yesterday when we discussed this in considerable detail, and General Brown's question and answer in his letter addressed that subject.

Q: What's the answer to that question, who ordered the falsification of the bombing?

A: The nomenclature "falsification" is not one that we accept. There were special security procedures arranged; the accurate reports did flow through special channels and the accurate reports went to the people who had a need to know what was going on. There were special procedures prescribed which kept others that did not have a security need to know from being aware of those reports. That was carried out precisely as directed by senior civilian and military officials here in Washington. So there was an operation carried out exactly as it was supposed to be carried out by those in the field who received those orders.

Q: Weren't there some papers or records which indicated that missions over Cambodia actually were missions over Vietnam?

A: Yes there were, and that was a part of the security procedures at the time which was, again, four years ago.

Q: Is it correct to characterize those as false records? They were wrong weren't they? They were deliberately inaccurate?

A: Those records were deliberately not completely accurate in order to provide the security that it was felt that that operation at that time required for the military operational and diplomatic sensitivity reasons that we discussed yesterday.

Q: Who ordered those deliberately inaccurate records to be kept?

A: The operation itself and the special security reporting procedures were fully authorized and directed by senior military and civilian officials here in Washington.

MORE

Q: Maybe the cover up was so complete that the people who put those statistic together didn't know about it, is that possible?

A: No, that's not correct.

Q: I am not saying Mr. Schlesinger didn't know or Mr. Laird didn't know, I'm saying the people who were responsible for putting that together?

A: That report was prepared and transmitted on behalf of the Chairman of the Joint Chiefs and the Secretary of Defense to the Committee, and there were those the Committee who understood that that particular thing was not included there since they know about it as they said yesterday.

Q: The Senator who asked for it was not informed apparently -- Senator Hughes. According to the transcript here, it says that this was provided in response to his request and I gather that he was not informed that this was an incomplete report, is that true?

A: I just don't know. He may have been one of those who approached Senator Symington and asked the Chairman to make that request again, which he did, which led to the acknowledgment yesterday.

Q: When he received this, he put out a press release saying, now we know all numbers, these are how many raids we had, these are the tonnages, and these are where they fell, giving no hint that he had any inkling that this was an incomplete report.

A: That particular press release -- that he published at that particular time; and the report carried a number of incorrect interpretations of his statistics, as you recall. But I don't want to get into his press releases.

Q: We're still not clear as to why the Cambodian bombing figures were not included? Did Richardson order that they not be included, was it an oversight, or was it something deliberate by Richardson, or did the system work so well that they were left out? Why weren't the figures in there?

A: Let me just simply say that they were deliberately not included.

Q: Who asked that they deliberately not be included, did Richardson make that suggestion?

A: It was a determination by senior military and civilian officials here.

Q: Can you enlighten us on their thinking as to why they were not included?

A: No, I really can't.

Q: They were not included on purpose, but you don't know why they weren't included?

A: Other than that I assume that it was felt that it would not be particularly useful to disclose those at that time. Acting Chairman Symington had a different view and requested that we look at that again which we did.

Q: From listening to Senator Symington yesterday, his request that you look at this again did not come at the time this incomplete report was presented.

A: That's correct.

MORE

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(Lt. Gen. James, DASD PA and
Mr. Friedheim, ASD PA)

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A: I think that is true. I think the others have been three, but I'll verify that for you.

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A: I'm not prepared to address that this morning, but I can assure you that they landed there.

Q: Do you know what their flight time was coming down?

A: I don't have that.

Q: You can't tell us what route they followed?

A: No.

Q: Do they have to refuel?

A: No, I don't think so. I'll have to get that for you.

Q: What do they go for besides giving you something to tell us about?

A: I don't know.

Q: Do you normally announce each of these deployments, or is this unusual?

A: Yes, we have announced them to you in the past.

Q: What did the mission statement say?

A: The mission, we don't have that, of course. We were not "privy" to that information.

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A: I really don't have anything further to give you at the moment, but I thought you would want to know that there are discussions and consultations underway with the Committee.

Q: Are you able to enlighten us further as to who actually approved the report before it went to the Committee -- to Senator Hughes?

A: Well not really beyond what we've said before.

Q: In other words, you are sticking to your explanation that it was Admiral Moorer and Mr. Clements.

A: I think if you all will recall your questions here yesterday and you asked me who was ultimately responsible in this building. Those two gentlemen are the senior authorities in the building. Bob (Schieffor - CBS) reported something about Adm. Moorer last night which, of course, would be absolutely correct. The ultimate authority in this building is a civilian authority, and Adm. Moorer would always be correct when he says there is civilian control in this building. Of course, we consult with the military leaders and I don't see any real discrepancy there as a matter of consultation that goes on, but the Admiral, of course, is absolutely correct that he is under civilian control, as are all the military personnel in the building.

Q: He didn't approve the report, his office said?

A: As I understood it: his office indicated for him that he would not have the ultimate approval for transmitting any information to the Congress because there is a civilian Secretary of Defense and there are civilian authorities in charge. And that, of course, is absolutely correct. That doesn't mean we don't consult with the military experts here, but any military man would be correct to say that the ultimate authority here resides with civilians.

Q: First, did he recommend to the civilian authority that this be said; and second, can we now take it that the ultimate person responsible was Mr. Clements?

A: I wouldn't want to try to talk about what Adm. Moorer recommended and didn't recommend.

Q: It seems to me you're dodging the issue. If you say the ultimate responsibility is a civilian, of course, he is; but what did the Admiral tell the civilian to do? Surely the civilian, if he were acting properly in his civilian role, would say what do you think about this Admiral? The Admiral must have said I think thus and so.

A: I don't want to try to reconstruct all of the bureaucratic inner-workings in this building. Nor do I want to try to single out some individual by name for you because this was a situation, obviously in which there was a great deal of consultation going on and many people involved in the considerations of whether or not it was possible to declassify that particular information at that time. No single individual was deciding that or addressing that subject all by himself. When you asked me who was the ultimate authority in this building; on everything that happens or does not happen here, it is the senior civilian official.

Q: That's a theoretical position. In actual fact, was Clements consulted on this? Did he sign off on it?

A: I can't answer that question.

(MORE)

After this meeting that I have just spoken to, I made the decision. I ordered American airpower employed directly and continually against the enemy-occupied base areas from which Communist soldiers had been attacking and killing American soldiers.

And so today, there is great anguish and loud protest from the usual critics, "Why did the United States make a secret attack on tiny Cambodia?" Of course, this is absurd. These strikes were not directed at the Cambodian army or the Cambodian people; they were directed at the North Vietnamese invaders who, at that time, had occupied this area within Cambodia and were killing Americans from this area.

This is the significant thing: The Cambodian Government did not object to the strikes.

In fact, while they were in progress in the spring of that year, Prince Sihanouk, then the leader of the Cambodian Government, personally invited me very warmly to make a state visit to the Cambodian capital. This is after the strikes had been going on for a long time. That is a pretty good indication of what he thought about what we were doing.

Now, as for secrecy, as I have already indicated, the fact that the bombing was disclosed to appropriate Government leaders, the ones I just referred to, and to appropriate Congressional leaders, those in the Military Affairs Committee like Eddie Hébert; what is most important, and here is the bottom line, soon after this bombing started, early in this Administration, there began a steady decline finally in American casualties along the Cambodian border, and the enemy was provided with one more incentive to move to the conference table, which they began to do. The secrecy was necessary to accomplish these goals—secrecy from the standpoint of making a big public announcement about it, although there was no secrecy as far as Government leaders were concerned, who had any right to know or need to know.

Had we announced the air strikes, the Cambodian Government would have been compelled to protest, the bombing would have had to stop, and American soldiers would have paid the price for this disclosure and this announcement with their lives.

My comrades, let me just read you a letter. The President gets a lot of very moving letters during and after any period of war. This is from the father of a soldier who served along the Cambodian-Vietnamese border back in 1969.

He said, "Dear Mr. President: Back in early 1969,"—and I have his letter he wrote then, too—"I wrote to you requesting that you allow the bombing of the supply routes in North Vietnam and Cambodia. I wrote to you because my son, Douglas, who was with the 4th Infantry Division near Kontum, complained to us in his letters about all the materials and men the North was shipping in from Cambodia.

" . . . When my son was killed on March 1, 1969, I felt you let him and the other troops down by not allowing these supply lines to be bombed.

"Today I read where . . . you did approve the bombing early in 1969 . . . I now believe the Lord led you to make a proper decision in this matter, and I sincerely feel your action saved many lives and shortened that dreadful war."

Morning Briefing
Tuesday, July 17, 1973, 11 a.m.
(Mr. Friedheim)

(This is not a verbatim transcript; it is prepared from notes which contain the sense of the answers.)

Announcements:

1. On the Hill: Secretary Noyes of ISA is scheduled to testify before the House Foreign Affairs on Persian Gulf matters in general; some Service witnesses before the Appropriations Subcommittee's on both the House and Senate side and all three Services on continuing budget hearings.

2. The West German Minister of Defense, Mr. Georg Leber, was received with military honors at 9:00 a.m. today, greeted by the Secretary who was then his host at a breakfast. They have departed for Camp David for discussions on U.S. and Federal Republic and NATO Defense matters throughout the day. This evening they return here for an informal dinner. We think that there may be a joint communiqué issued either this evening or tomorrow.

Minister is scheduled to meet with Dr. Kissinger and others tomorrow, and departs for the Federal Republic tomorrow evening.

3. The Marines have a total force Exercise "Alkali Canyon" scheduled 1-17 August which will involve 5,000 regulars and 4,000 reservists at the Marine Corps Base, 29 Palms, California, in Desert training. Personnel from the Fleet Marine Force both Atlantic and Pacific and a number of reserve units from around the country.

4. On the matter of B-52s, nine of the aircraft have arrived at Seymour Johnson and as we said yesterday, 6 more are scheduled in this afternoon.

5. Dep Sec Clements and representatives from OASD (Manpower and Reserve Affairs) plan to present to you here at this time tomorrow the recruiting and retention statistics for FY 73. As the next few months go by we'll try to watch the statistics pretty closely on the all-volunteer force and we'll try to summarize that for you on a monthly basis.

Q: When does the minesweeping end?

A: The 18th of July is the deadline day in the second Paris agreement; that would be tomorrow; which comes up rather soon in Hanoi time. We'll stay in touch with Admiral McCauley and let you know what happens there. To the best of my knowledge we intend to end that on that schedule.

Q: Are you going to have a rundown for us?

A: If, in fact, it does conclude as in the Paris schedule, Admiral McCauley will be returning in fairly short order and we will see if we can get him to bring you up-to-date on what the circumstances were there.

MORE

Q: Was this major interdiction campaign a product of Mr. Laird's visit to Vietnam in March of 1969?

A: It was one of the assessments that he made. He went on that first trip, as you recall--here we're dealing with an awfully lot of history--but he went precisely to see in what manner it would be safe to accomplish the withdrawal program that the Administration wished to accomplish over the next few years. He talked with General Abrams. General Abrams said if you want me to withdraw half a million Americans in a safe way, I would like very much to be able to deal with the threat which comes from these sanctuary areas. It was determined that that was a reasonable request for the U.S. Commander to make, and that we would attempt to deal with the threat that came from those Cambodian sanctuaries. Secretary Laird was there at about the time this decision was made, and subsequent to that then the President announced the first withdrawal increment and the Vietnamization program was announced. So I'm sure that his trip there in 1969 was a major part of the assessment which led to this decision.

You recall that some other things happened as a result of that trip, i.e., protective reaction; other things that were designed to help enhance the safety of U.S. troops if it was necessary in a hot pursuit sort of way, was another similar sort of decision that was made as a result of that trip.

Q: How far into Cambodia did the B-52s bomb?

A: Not very far. It was a matter all contained within those sanctuary areas. I don't have the kilometers or miles to give you, but they were in the areas--you've seen the ovals drawn on the map. I don't have precise numbers. Really, it's not a campaign--

Q: Three to six miles, something like that?

A: I just don't have a number. I don't want to try to give you something I don't have here, but they were in the sanctuary areas. That's what we're talking about here, we're not talking about Phnom Penh.

Q: The use of B-52s was reinforced preemptive protective reaction?

A: In view of the fact that we'd not at that time decided to talk publicly about this, we did not have any public words to describe it.

Q: You said it was up to certain Members of Congress, with authority to overs all of this, to decide whether to tell other Members of Congress. Did you mean to imply there that it was up to, say, Senator Stennis, Senator Symington, whether to tell Senator Hughes?

A: I don't want to get into personalities between Members of Congress. There are circumstances in very sensitive areas, these are usually in the areas of intelligence--sometimes they can be in the areas of ongoing operations in a wartime situation--where we report to those Members of Congress who the rules of Congress give oversight over this Department. If you follow how this developed over the last week, there was a discussion inside the Armed Services Committee about whether

MORE

Morning Briefing
 Wednesday, July 18, 1973, 11:00 a.m.
 (ASD Friedheim)

(This is not a verbatim transcript; it is prepared from notes which contain the sense of the answers only.)

Announcements:

1. On the Hill: General Starbird, the Deputy Director, DDR&E, and the Directors of the Defense Mapping Agency, Defense Investigative Service before Senate Appropriations on the budget; Don Brazier, Principal Deputy Comptroller, is at House Appropriations, also on the budget; Air Force witnesses before the House Appropriations on Family Housing; and Mr. Sheridan from I&L and some other witnesses are in further sessions on military construction authorizations in the continuing budget authorization hearings.

2. End Sweep: Today, being July 18, the End Sweep Task Force has departed North Vietnamese waters and Operation End Sweep is over.

3. The B-52's that were enroute from Andersen AFB, Guam, closed at Seymour Johnson AFB, North Carolina, at 1600 yesterday afternoon.

4. I think you all have copies of the joint communique from the meetings between Secretary Schlesinger and Minister of Defense Leber of the Federal Republic of Germany. They had a long and very cordial series of meetings yesterday at both Camp David and concluded in the evening with a dinner here. Admiral Zimmermann, the Federal Republic Chief of Staff, is visiting again today with Admiral Moorer. Minister Leber is scheduled, as we told you, to see Dr. Kissinger and the NSC staff personnel today. He departs this afternoon for the Federal Republic.

Q: There's a clause (in the communique) which says that they both will make major force improvements in their forces in defense of Europe. Does this mean something new or is this that they will simply continue the slow pace of what they have been doing in the past?

A: I'll have to check and see if there's anything new or special on that. I think that indicates their continuing desire to improve the combat ratio as we have in the past in providing some new tank battalions and airborne battalions.

5. Secretary Warner has announced today the reestablishment of the Merchant Marine Navy Reserve program, which is something that we had in some of the years before World War II.

Q: How much is that going to cost?

A: We can see what we can get for you.

6. On the continuing subject of Cambodia and B-52's, I have for you today a map on which are marked the six sanctuary areas which were involved in Operation Menu--one in the Tri-border area and five in the general area opposite MR-2 in the Fishhook. You'll notice there were none of the Menu flights down in the Parrots Beak or in this area, as we said yesterday.

MORE

I frankly, if I had always followed what the press predicted or the polls predicted, I would have never been elected President. But what I am saying is this, people who do not accept the mandate of '72, who do not want the strong America that I want to build, who do not want the foreign policy leadership that I want to give, who do not want to cut down the size of this government bureaucracy that burdens us so greatly and to give more of our government back to the people, people who do not want these things, naturally, would exploit any issue, if it weren't Watergate, anything else, in order to keep the President from doing his job.

And so I say I impute no improper motives to them, I think they would prefer that I fail. On the other hand, I am not going to fail, I am here to do a job, and I am going to do the best I can, and I am sure the fair-minded members of this press corps—and that is most of you—will report when I do well, and I am sure you will report when I do badly.

WIRETAPS

Q. Mr. President, you recently suggested today that if the late Robert Kennedy had initiated ten more wiretaps he would have been able to discover the Oswald plan, as you described it, and thereby presumably prevent the assassination of President Kennedy.

THE PRESIDENT. Let me correct you, sir. I want to be sure that the assumption is correct. I said if ten more wiretaps could have found the conspiracy, if it was a conspiracy, or the individual, then it would have been worth it. As far as I am concerned, I am no more of an expert on that assassination than anybody else, but my point is that wiretaps in the national security area were very high in the Kennedy Administration for a very good reason; because there were many threats on the President's life, because there were national security problems, and that is why that in that period of 1961 to '63, there were wiretaps on news organizations, on news people, on civil rights leaders, and on other people. And I think they were perfectly justified, and I am sure that President Kennedy and his brother, Robert Kennedy, would never have authorized them, as I would never have authorized them, unless he thought they were in the national interest.

Q. Do you think then that threats to assassinate the President merit more national security wiretaps particularly?

THE PRESIDENT. No. No, as far as I am concerned, I was only suggesting that in terms of those times—of those times—to have the Oswald thing happen just seemed so

believable. With his record—with his record—that with everything that everybody had on him, that that fellow could have been where he was in a position to shoot the

President of the United States, seems to me to have been a terrible breakdown in our protective security areas.

I would like to say, however, that as far as protection generally is concerned, I don't like it, and my family does not like it. Both of my daughters would prefer to have no Secret Service. I discussed it with the Secret Service. They say they have too many threats, and so they have to have it. My wife does not want to have Secret Service, and I would prefer, and I recommended this just 3 days ago, to cut my detail by one third, because I noticed there were criticisms of how much the Secret Service is spending.

Let me say that we always are going to have threats against the President, but I frankly think that one man probably is as good against a threat as a hundred. That is my view, but my view does not happen to be in a majority there, and it does not happen to agree with the Congress—so I will still have a great number of Secret Service around me, more than I want, more than my family wants.

WATERGATE INVESTIGATION

Q. Mr. President, during March and April, you received from your staff on several occasions information about criminal wrongdoing and some indication that members of your staff might have been involved. My question, sir, is why didn't you turn this information over immediately to the prosecutors instead of having your own staff continue to make these investigations?

THE PRESIDENT. Well, for the very obvious reason that in March, for example, the man that was in constant contact with the prosecutors was my Counsel, Mr. Dean. Mr. Dean was talking to Mr. Petersen. I assumed that anything he was telling me he was telling the prosecutors. And in April, after Mr. Dean left the investigation, Mr. Ehrlichman was in charge. I would assume, and incidentally, Mr. Ehrlichman did talk to Mr. Kleindienst. That is why it was done that way. The President does not pick up the phone and call the Attorney General every time something comes up on a matter; he depends on his Counsel or whoever he has given the job to—or he has given that assignment to to do the job. And that is what I expected in this instance.

U.S. BOMBING OF CAMBODIA

Q. Mr. President, in your Cambodian invasion speech of April 1970, you reported to the American people that the United States had been strictly observing the neutrality of Cambodia. I am wondering if you in light of what we now know, that there were 15 months of bombing of Cambodia previous to your statement, whether you owe an apology to the American people?

THE PRESIDENT. Certainly not, and certainly not to the Cambodian people, because as far as this area is concerned, the area of approximately 10 miles, which was bombed during this period, no Cambodians had been in

it for years. It was totally occupied by the North Vietnamese Communists. They were using this area for the purpose of attacking and killing American Marines and soldiers by the thousands. The bombing took place against those North Vietnamese forces in enemy-occupied territory, and as far as the American people are concerned, I think the American people are very thankful that the President ordered what was necessary to save the lives of their men and shorten this war which he found when he got here, and which he ended.

HELEN THOMAS (UPI). Thank you, Mr. President.

NOTE: President Nixon's thirty-second news conference was held at 11:30 a.m., P.d.t., on Wednesday, August 22, 1973, on the grounds of the Western White House at San Clemente, Calif. It was broadcast live on radio and television.

I believe, and I know you believe, can at long last produce a structure of peace in the world that will endure long into the future, and that will make it possible for differences among nations to be settled at the negotiating table rather than on the battlefield. This is an achievement of which you should be immensely proud, just as I am immensely proud of the vital contribution you have made to it.

Not only in foreign policy, but also on the wide range of other issues on which I have sought your advice, it has always been given with candor and courage and with exceptional insight. I have appreciated this greatly, and the Nation is much the better for your service—service which I know has been at great personal sacrifice.

Pat joins me in wishing you and Adele the very best in the years ahead, and in trusting that we will continue to see both of you often.

With warmest regards,

Sincerely,

RICHARD NIXON

Secretary of State

Exchange of Letters Between the President and William P. Rogers on Mr. Rogers' Resignation.
August 22, 1973

August 20, 1973

Dear Bill:

It is with the greatest reluctance and regret that I accept your resignation as Secretary of State.

I cannot do so without thinking back gratefully on our quarter century of close personal friendship, on the battles we have fought together and the crises we have weathered together, and on your unwavering good spirits, good judgment and good sense.

I vividly recall that you were the first person I turned to for advice and counsel after receiving the terrible news of President Eisenhower's heart attack in 1955, and I recall how much your calm, reasoned encouragement meant to me as I sought to do what was right in the course of that ordeal. But that was only one of many times, before and since, when I have instinctively turned to you for advice and relied heavily on your judgment at those critical moments that are the truest test not only of an associate's friendship, but also of his character.

Few men have given so much of themselves to their country as you have, with your eight years of distinguished service as Deputy Attorney General and Attorney General in President Eisenhower's Administration, and now having carried the heavy responsibilities of Secretary of State for four and a half years at a particularly crucial time in the evolution of the Nation's foreign policies. Throughout, your service has been completely dedicated and completely selfless. The Nation owes you an enormous debt of gratitude.

As Secretary of State, you have represented this country abroad with great skill. You have played an historic role in the formulation and execution of those policies which

August 16, 1973

Dear Mr. President:

I herewith submit my resignation as Secretary of State effective September 3, 1973.

Because of our personal friendship which has extended over such a long period of time I take this action with a bit of sadness. You will recall, though, that when I accepted the post I did it with a firm resolve to return to the private practice of the law at the end of your first term of office. However, because of several pressing matters, particularly the closing phase of our involvement in the war in Viet-Nam, an uncertain cease-fire in the Middle East, the initial phase of the Conference on Security and Cooperation in Europe and the need for immediate attention to our relations with NATO, CENTO, Japan, South Korea and our Latin American allies it was agreed that I should stay on for awhile.

Now that the United States has ended its long war in Indochina; that the cease-fire in the Middle East has had its third anniversary; that the first phase of the Conference on Security and Cooperation in Europe has ended satisfactorily; and that our relations with our allies as well as with the Soviet Union and the People's Republic of China are on a good basis I believe the time is right for a change.

It has been a great privilege and honor to serve the nation as Secretary of State during the last four and one-half years. Under your strong and effective leadership the conduct of our foreign affairs has been marked with extraordinary success. Because of your policies, initiative and resolve, and the loyal support and assistance of many others including those in the State Department with whom I have been privileged to be associated, the world is a much more peaceful place than it was four and one-half years ago.

Under your leadership we are on the way to constructing a structure of international relationships which gives hope of providing peace and stability for future generations. It is the completion of this task especially which is so important to all mankind and which will continue to command great public support during the remainder of your term.

Please accept my thanks and deep appreciation for giving me the opportunity to serve the country during these critical and important years in our nation's history. Adele joins me in sending you and Pat our warmest personal regards.

Respectfully,

WILLIAM P. ROGERS

[The President, The White House]

NOTE: The exchange of letters was released at San Clemente, Calif. For the President's remarks upon announcing Mr. Rogers' resignation, see the preceding item.

Secretary of State

*News Conference of Dr. Henry A. Kissinger,
Assistant to the President and Secretary of
State-Designate. August 23, 1973*

MR. WARREN. Ladies and gentlemen, as you know, the President yesterday announced his intention to nominate Dr. Henry A. Kissinger to be Secretary of State.

Dr. Kissinger is here to take your questions this morning. He will have a few observations for you and then open it up for questions.

Dr. Kissinger.

DR. KISSINGER. First, I wanted to say that the President has done me great honor to nominate me for a position that was held by such great Americans as Secretary Stimson, George Marshall, Dean Acheson, John Foster Dulles—all of whom were united in one basic approach: that the foreign policy of the United States is not a partisan matter, it concerns the whole Nation, that the future of our country transcends any particular administration.

That is the spirit in which, if the Senate confirms me, I will attempt to conduct the office of Secretary of State.

I would also like to say a few words about the outgoing Secretary of State, William Rogers. Many of you, for 4½ years, have commented about the difficult relationship between the White House Staff and the Secretary of State. And it is, of course, true—you wouldn't believe me if I said anything else—that there is an institutional problem when there is a strong White House operation and a strong Secretary of State, which is one reason why we have combined these positions now.

I would like to say on this occasion that these difficulties which are inherent in the arrangement were at an absolute

minimum. The Secretary of State has conducted his affairs with enormous dignity, grace, wisdom, and above all, humanity.

I had a long talk with him on the telephone yesterday, and I look forward to his continued advice and participation in a policy in which he played such a large role, in which he was perhaps more instrumental in shaping than he often received credit.

Now, let me say a few things about what is ahead. Any administration wants to leave the world better than it found it, and the most important challenge before our country in the field of foreign policy is to bring about a stable peace.

In the first term of the President, many important and some revolutionary changes were made. These required, to considerable extent, secret diplomacy, and they were conducted on a rather restricted basis. But now, we are in a different phase. The foundations that have been laid must now lead to the building of a more permanent structure. What has been started is still very tender.

If you think back, it is only 3 years that we had simultaneous crises in the Caribbean, in the Middle East, and on Berlin. It is only 2 years that we first opened relations with the People's Republic of China. And in the same period, relations with our traditional friends have undergone enormous transformation.

So, what we are going to try to do is to solidify what has been started, to put more emphasis on our relationship with Europe and with Japan, and to conclude during the term of the President the building of a structure that we can pass on to succeeding administrations so that the world will be a safer place when they take over.

Now, this requires that there will be a greater institutionalization of foreign policy than has been the case up to now. One of the challenges in going to the State Department will be the ability now to work with the great professionals in the Foreign Service who will be here after this Administration has left, and who, hopefully, will carry on the traditions that are valid, that will, by then, have been established.

It is worthwhile remembering that about 70 percent of my staff has been composed of Foreign Service officers to begin with, and, therefore, now that the entire Foreign Service can be brought more closely into the operation, we should get even more momentum behind our foreign policy.

Those who are worried whether the existing bureaucracy will be used should consult the members of my staff, and my advice to them will be to get to know their wives very well before the confirmation because afterwards they may not see as much of them as until now.

The role of the National Security Council's staff will continue to be interdepartmental. There will be a greater exchange between the State Department and the National Security Council staff personnel than has been possible up

Prince Sihanouk always took the view that he would protest any air operations that involved Cambodians. He also took the position that the bombing of areas in which there were no Cambodians he would not protest. I think if you look at the record over the year that we are talking about that there was no Cambodian protest about the B-52 bombing. There were Cambodian protests when tactical air strayed across the border and got outside of the zone in which the B-52 operations took place.

Q. On that point, Doctor, was there a zone 10 miles, or were there not fighter-bomber raids closer to Phnom Penh and other operations in Cambodia during this 14 months?

DR. KISSINGER. The question is whether there were fighter-bomber raids closer to Phnom Penh than the 10 to 15 miles.

I will take this question, but I am sure that the Senate will also want to ask about it, and, therefore, I don't want to go into all the details, and also I have not consulted all the records.

The B-52 operations were confined to an area within 10 miles. Occasionally, and I think very rarely, there were some tactical air operations when there were military activities on one side of the border that continued—in which the sequence of military operations continued across the border. The tactical air operations were not initiated unless there were North Vietnamese units that came across the border, and in the pursuit of them occasionally, but very rarely, some tactical air operations took place. They could have been deeper than 10 miles, but I doubt that they were very much deeper.

Q. Doctor, when are you going to Peking, and are you going to Peking?

DR. KISSINGER. The question is when am I going to Peking, and am I going to Peking.

I plan to go to Peking, and the date now has to be subject to Senate confirmation, because I don't think it would be appropriate for me to go before I have been confirmed by the Senate. We expect to set a date soon after my confirmation has been achieved.

Q. Dr. Kissinger, a clarifying question about your opening statement. You left out Dean Rusk. Did you do that through inadvertence?

DR. KISSINGER. Dean Rusk is a man I admire greatly and a good personal friend of mine. I just gave a few examples, and he was a distinguished Secretary of State.

Q. Dr. Kissinger, a spokesman for the President of France said yesterday firstly that while he would welcome a visit, he really thought that it was more of an exchange of information, that there was really no agreement worked out, and he was specifically opposed to the Atlantic summit that you sought, particularly, you spoke about it in Reykjavik. How does this bode for your "Year of Europe" as you see it?

DR. KISSINGER. The European foreign ministers are meeting in September to develop a European response to

our proposal, and I don't think I should make a comment until we see what their response will be because there are many points of view in Europe.

Q. Mr. Secretary—[inaudible]—or now called off Cambodian negotiations to remain stalled until your trip to Peking, or do you think they might get underway? I am referring to the secret negotiations. Do you think they might get underway again before the trip to Peking?

DR. KISSINGER. The Cambodian negotiations now inevitably with the end of American bombing will depend more on the decisions of the Cambodian parties than on American decisions, and if the Congressional intent means anything, it is that the United States should not play the principal role in these activities.

I would therefore not tie any possible negotiations in Cambodia inevitably to my trip to Peking, and it will depend to a very great extent on the decisions of the Cambodian parties.

Q. Dr. Kissinger, if I may, can you forecast on a scale of optimism and pessimism as to whether these things can be begun again?

DR. KISSINGER. The discussion? I think it is too early to tell.

Helen, and then Murrey.

Q. Has Watergate severely damaged foreign policy, and also, since you submitted names to be wiretapped, and you were tapped yourself, do you think this country, or the White House, is obsessed with national security?

DR. KISSINGER. Well, I am certain that the question of the measures that were taken to protect the security of the office, which, after all, had the most sensitive information in the Government, will be discussed at the Senate hearing and on that occasion, I will answer questions with respect to that.

Any government has to strike a balance between the requirements of national security and the requirements of individual freedom, and that balance should be very carefully drawn, and one would hope that one could justify individual decisions on the ground of their necessity.

In those activities of which I was aware, which were conducted by processes that were considered legal at that time, according to legal processes, I will be prepared to account fully to the appropriate committees of the Senate.

Now, your other question on the impact of Watergate on foreign policy. The foreign countries have to assess what sort of a country they are dealing with, how steady it can be in the carrying out of its commitments, and the degree of authority possessed by its leaders.

To the extent that these are affected, there is a long-term effect on foreign policy.

Our intention will be, as I have stated prior to this appointment, to emphasize those aspects of foreign policy on which most Americans agree, to carry out a foreign policy that has the widest possible support on a bipartisan basis, and since I am confident that that can be achieved, I believe that the effect of Watergate on the conduct of foreign policy can be minimized.

Morning Briefing
Wednesday, August 29, 1973, 11:05 a.m.
(ASD Friedheim)

(This is not a verbatim transcript; it is prepared from notes which contain the sense of the answers only.)

Announcements:

1. No DoD witnesses on the Hill today
2. We have displayed some photos of U.S. Air Force planes arriving in Pakistan with flood relief supplies and U.S. military helicopters to assist in flood relief activities.
3. Available is a memorandum from Secretary Schlesinger to the Military Departments and others setting forth some of his views and policies concerning the Guard and Reserve -- Total Force Concept. The memo also calls for a study on Reserve Affairs to be made by OASD/M&RA under the direction of Dr. Marrs.
4. Deputy Secretary of Defense Clements speaks to the Air Force Sergeants Association tonight at the Washington (DC) Hilton.
5. We understand American Embassy, Bangkok, announced that the withdrawal from Nam Phong will start tomorrow (today, our time), with a squadron of A-6 aircraft going first, F-4s on Friday and another squadron of F-4s on Saturday so that all will have departed by 1 September.

Q: Is the Department doing anything for the Mexican earthquake victims?

A: I checked on that this morning, and we haven't been asked by State or AID to do anything at this point. Whether we will be we just don't know. Of course, we'd be standing by to do that if the diplomatic channels have a request for us to be of some assistance. So far, no request to us although I'm sure our diplomats are in touch with the Mexican Government.

Q: Secretary Schlesinger in his first news conference made a big thing about too much inter-Service rivalry, and he was going to do something about it. Has he in fact issued any sort of a directive or what sort of actions has he taken?

A: He's not codified a directive or a memo to the Services. I assume it's a subject that he's elaborated on in some of his sessions with the Service Secretaries and Chiefs in the process of the budget cycle, but there's no formal memoranda or directive on that.

Q: Do you have anything on Air Force withdrawals from Thailand?

A: No, none yet.

Q: How many planes in those three squadrons?

A: 47 -- two squadrons of F-4s, one squadron A-6s.

Q: Would you like to make it three in a row for no comment on Poseidon?

A: I don't have anything new on that.

Q: Do you have anything on the slowdown in Trident?

A: No, there hasn't been any new budget decisions on that at the moment.

MORE

Q: You're now saying the first strike was a verbal order, because you didn't know that for sure before?

A: What we're saying is that there still is not evident in our files, and we really don't think there exists, a memorandum similar to the one that you saw--which earlier memorandum would apply to March 18th. There were, of course, other documents in the NSC system.

Q: You're doing the same thing that Laird has done to us, and that is there has never been any question that the President authorized the Menu operations. That has never been the issue.

A: That's why I fail to see why people would think the Secretary of Defense had authorized them, or that General Wheeler had authorized them, as appeared to be the issue of one column this morning apparently.

Q: No. The issue is where the dual-reporting system was initiated and authorized. Who specifically ordered the false reporting aspects of the Menu operation to be done? That is the principal issue. There's never been any question that you don't go in and launch 3,000 B-52s against Cambodia without the President ordering it. That was made clear--Ziegler said it to begin with--so that's not the issue. The fact that you had to obtain authorization for Menu strikes is not the question. The question is who started that situation that all strikes to go to Cambodia should have South Vietnamese targets designated on the flight request. That's the salient paragraph in that Laird-signed memo, and that's the thing we're trying to find out, where that started. And that's the thing it seems to me that Evans and Novak were saying this morning exists in Moorer's file. Does it exist?

A: I don't know that anything like that exists in Admiral Moorer's files. The fact of the matter is, and I thought this had been rather straightforwardly stated in the testimony, that the operations themselves and the special security precautions surrounding them--to include use of cover targets--were authorized in the NSC system and transcended the decision of the Secretary of Defense. It seems to me that's in the testimony several places.

Q: That's still not a complete sentence, because you're talking about cover targets. We know that cover targets were bombed. We're still trying to find out if you would broaden that and say, reporting of targets in South Vietnam that were actually struck in Cambodia. Would you broaden your statement to say that?

A: You lost me a little bit there.

Q: We know from what's happened, that aside from the bombing in Cambodia, there were cover targets struck, actually struck.

A: To the best of our knowledge, that remains correct, and I think we testified to that.

Q: That is still not what we're getting at. We're trying to get at the raids which actually landed in Cambodia and were reported as having taken place in South Vietnam. We're trying to find out who ordered that, not the fact that there were actual cover strikes carried out, but we want to know--

Q: The same thing would be true. Who screwed up the reports deliberately?

Q: Did those orders come from the NSC system?

MORE

SUPPLEMENTAL SUBMISSION
CONCERNING BOMBING OF CAMBODIA

PREFACE

The materials which follow are items requested by various Members of the Committee during the course of the staff's presentation of its Report on the Bombing of Cambodia on June 21, 1974. This supplemental submission, like the original Report, does not analyze, nor is it intended to suggest any conclusions. The materials were submitted to the Committee on July 15, 1974.

Part I consists of five maps of Cambodia, four of which depict the strike zone areas for the bombing operations discussed in Part II of the June 21 Report.

Part II is a memorandum setting forth a "Statement of the Statutory Law Relating to the Bombing of Cambodia."

Part III provides copies of the court opinions in Holtzman v. Richardson and Holtzman v. Schlesinger.

Part IV deals with the protests filed with the United Nations by the Cambodian government in the 27 month period preceding the March 18, 1970 overthrow of Prince Sihanouk's government. The "official letters of protest" provided in this section include allegations concerning both air and ground violations of Cambodian territory by American and South Vietnamese Armed Forces.

Part V is the official publication of the Senate Armed Services Committee hearings on the "Bombing in Cambodia". It is not reproduced here.

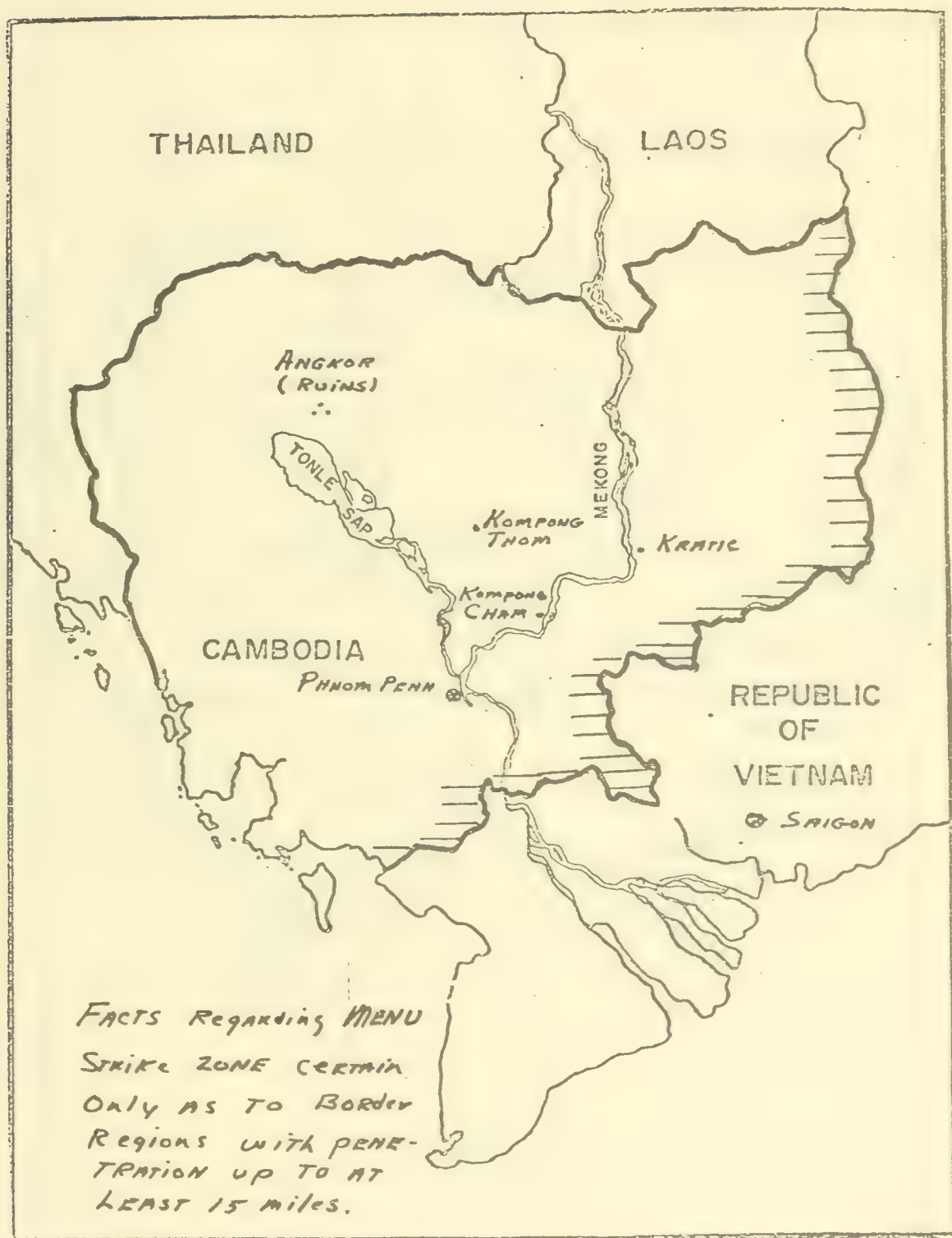
PART 1

MAPS OF CAMBODIA

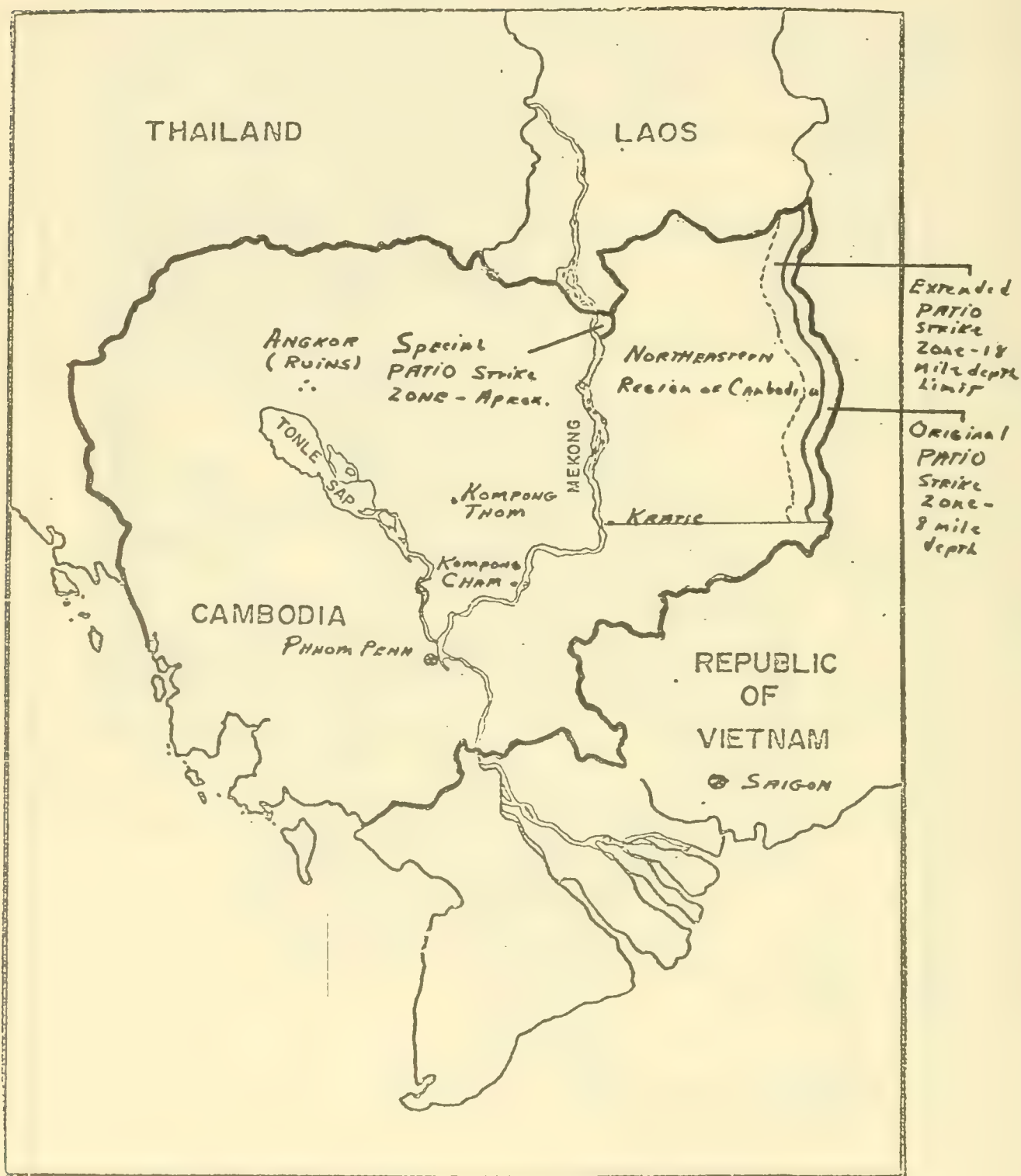


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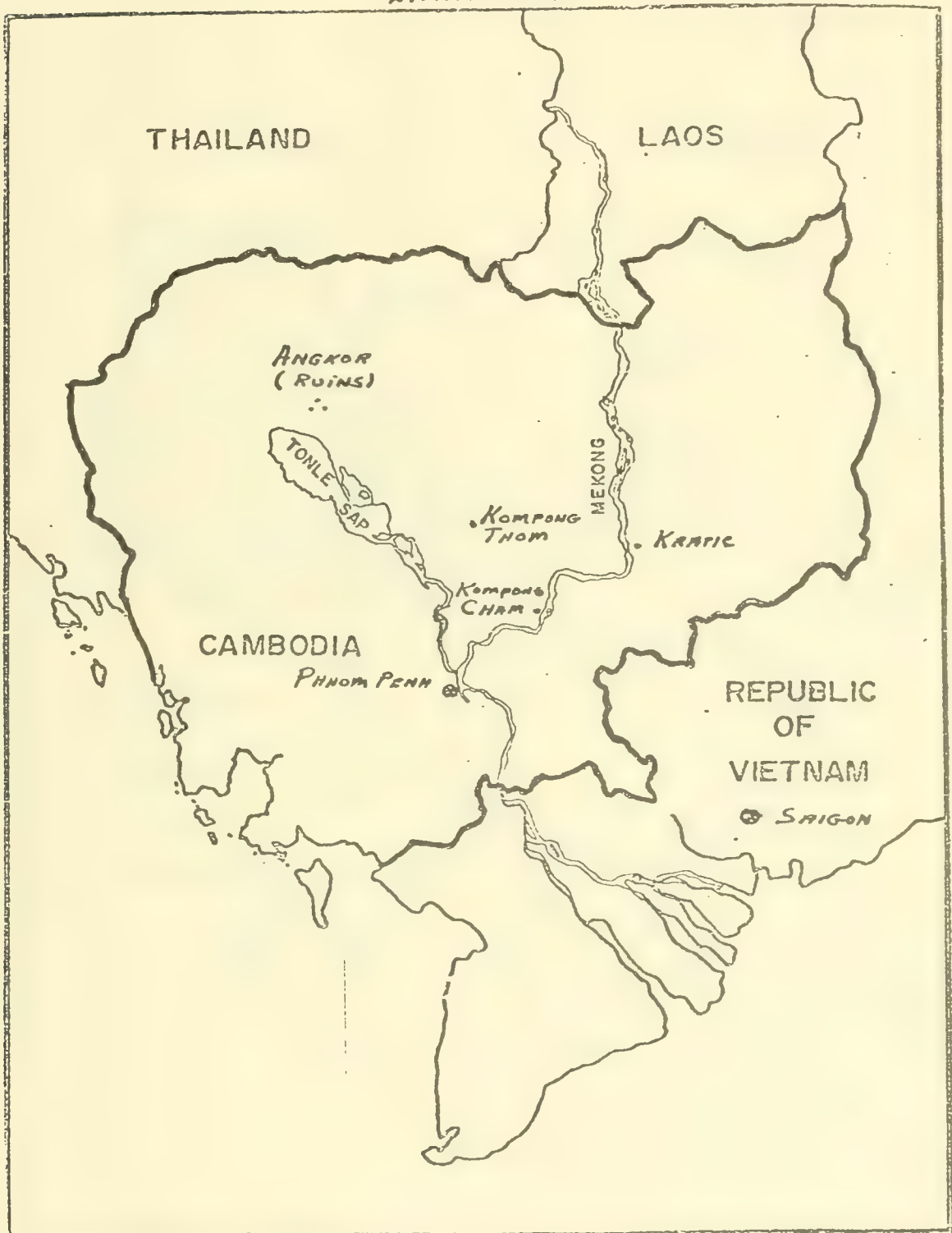
MENU B-52 STRATEGIC AIR OPERATIONS



PATIO TACTICAL AIR OPERATIONS



TACTICAL Air Operations
Throughout Cambodia - NO Strike Zone
Limitations



FREEDOM DEAL TACTICAL AIR OPERATIONS



PART 2

M E M O R A N D U M

STATEMENT OF THE STATUTORY LAW

RELATING TO THE

BOMBING OF CAMBODIA

INTRODUCTION

This staff memorandum is designed to provide the Committee with a statement of the statutory law relevant to the bombing of Cambodia.

The report does not analyze nor is it intended to set forth any conclusions as to whether these statutory provisions were violated by one or more of the bombing operations conducted in Cambodia between March 18, 1969 and August 15, 1973.

All of the statutory provisions set forth below became effective after the "MENU" and "PATIO" air bombing operations had been terminated. The termination date of the LIMDIS IVY TREE tactical air bombing strikes is not known to the staff and consequently may or may not have been subject to one or more of the specified statutory provisions. The "FREEDOM DEAL" tactical air bombing operations, including both the Regular and Special "FREEDOM DEAL" bombing strikes, initiated on June 30 and July 1, 1971 respectively, continued up to August 15, 1973 were subject to these statutory provisions upon the effective date of each particular statute.

STATUTORY PROVISIONS RELEVANT TO BOMBING OF CAMBODIA

1. Armed Forces - Military Procurement Act of 1971 P. L. 91-441;
84 Stat. 905.

The Armed Forces - Military Procurement Act of 1971 became effective on October 7, 1970.

Section 502 of the Act provided inter alia that:

"Subsection (a) of section 401 of Public Law 89-367, approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"(a) (1) Not to exceed \$2,800,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos and Thailand; and for related costs, during the fiscal year 1971 on such terms and conditions as the Secretary of Defense may determine. None of the funds appropriated to or for the use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970. Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos."

The other sections of the Act are not material to the U. S. military involvement in Cambodia.

2. Special Foreign Assistance Act of 1971, P. L. 91-652; 84 Stat. 1942.

Section 7 of the Act provided:

"(a) in line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisers to or for Cambodian military forces in Cambodia.

"(b) Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense."

Section 8 of the Act provided:

"... Sec. 652. Limitation Upon Additional Assistance to Cambodia. -- the President shall not exercise any special authority granted to him under sections 506(a), 610(a), and 614(a) of this Act for the purpose of providing additional assistance to Cambodia, unless the President, at least thirty days prior to the date he intends to exercise any such authority on behalf of Cambodia (or ten days prior to such date if the President certifies in writing that an emergency exists requiring immediate assistance to Cambodia), notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended exercise, the section of this Act under which such authority is to be exercised, and the justification for, and the extent of, the exercise of such authority."

The other sections of the Act are not material to U. S. military involvement in Cambodia.

3. Department of Defense Appropriations Act of 1971, P. L. 91-668; 84 Stat. 2021.

The Department of Defense Appropriations Act for the fiscal year ending June 30, 1971 was approved on January 11, 1971.

Section 838 (a) of the Act provided inter alia that:

"Not to exceed \$2,500,000,000 of the appropriations available to the Department of Defense during the current fiscal year shall be available for their stated purposes to support: (1) Vietnamese and other free world forces in support of Vietnamese forces; (2) local forces in Laos and Thailand; and for related costs, on such terms and conditions as the Secretary of Defense may determine; Provided, That none of the funds appropriated by this Act may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States under section 310 of title 37, United States Code, serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970: Provided further, That nothing in clause (1) of the first sentence of this subsection shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support, and assistance to the Government of Cambodia or Laos: Provided further, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of U. S. Forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war."

The other sections of the Act are not material to U. S. military involvement in Cambodia.

4. Armed Forces - Military Procurement Act of 1972, P. L. 92-156;
84 Stat. 423.

The Armed Forces - Military Procurement Act of 1972 was approved on November 17, 1971.

Section 501 of the Act provided inter alia that:

"Subsection (a) (1) of section 401 of Public Law 89-367, approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"(a)(1) Not to exceed \$2,500,000 of the funds authorized for appropriations for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos and Thailand; and for related costs, during the fiscal year 1972 on such terms and conditions as the Secretary of Defense may determine. None of the funds appropriated to or for the use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970. Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: Provided, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of United States Forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war."

The other sections of the Act are not material to U. S. military involvement in Cambodia.

5. Department of Defense Appropriations Act of 1972, P. L. 92-204;
85 Stat. 716.

The Department of Defense Appropriations Act for the fiscal year ending June 30, 1972 was approved on December 18, 1971.

Section 738 (a) of the Act provided inter alia that:

"Not to exceed \$2,500,000,000 of the appropriations available to the Department of Defense during the current fiscal year shall be available for their stated purposes to support: (1) Vietnamese and other free world forces in support of Vietnamese forces: (2) local forces in Laos and Thailand: and for related costs, on such terms and conditions as the Secretary of Defense may determine: Provided, That none of the funds appropriated by this Act may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States under section 310 of title 37, United States Code, serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970: Provided further, That nothing in clause (1) of the first sentence of this subsection shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: Provided further, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of U. S. Forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war."

The other sections of the Act are not material to U. S. military involvement in Cambodia.

6. Foreign Assistance Act of 1971, P. L. 92-226; 22 U. S. C.
§§ 2415, 2416.

The Foreign Assistance Act of 1971 was approved on February 7, 1972. Sections 655 (22 U. S. C. § 2415) and 656 (22 U. S. C. § 2416) of the Act set forth limitations on the amount and nature of United States assistance to Cambodia and the number of American personnel stationed in Cambodia.

Section 655 of the Act provided inter alia that:

"§ 2415. Cambodian assistance limitations.

"(a) Obligation authority limitation during fiscal year ending June 30, 1972.

"Notwithstanding any other provision of law, no funds authorized to be appropriated by this chapter or any other law may be obligated in any amount in excess of \$341,000,000 for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, equipment, services, personnel, or advisers in, to, for, or on behalf of Cambodia during the fiscal year ending June 30, 1972.

"(b) Computation of amount; value.

"In computing the \$341,000,000 limitation on obligation authority under subsection (a) of this section in fiscal year 1972, (1) there shall be included in the computation the value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Cambodia in such fiscal year by gift, donation, loan, lease, or otherwise, and (2) there shall not be included in the computation of the value of any goods, supplies, materials, or equipment attributable to the operations of the Armed Forces of the Republic of Vietnam in Cambodia. For the purpose of this subsection, 'value' means the fair market value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Cambodia but in no case less than 33 1/3 per centum of the amount the United States paid at the time such goods, supplies, materials, or equipment were acquired by the United States.

"(c) Specific authorization for obligation of funds during fiscal years beginning after June 30, 1972.

"No funds may be obligated for any of the purposes described in subsection (a) of this section in, to, for, or on behalf of Cambodia in any fiscal year beginning after June 30, 1972, unless such funds have been specifically authorized by law enacted after February 7, 1972. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated for any such purpose during such fiscal year.

"(d) Combat air operations over Cambodia excluded from obligation authority limitation.

"The provisions of subsections (a) and (c) of this section shall not apply with respect to the obligation of funds to carry out combat air operations over Cambodia.

"(e) Cambodian aid request; report to Congress.

"After February 7, 1972, whenever any request is made to the Congress for the appropriation of funds for use in, for, or on behalf of Cambodia for any fiscal year, the President shall furnish a written report to the Congress explaining the purpose for which such funds are to be used in such fiscal year.

"(f) Funds for Cambodia; report to Congress; general breakdown.

"The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year, beginning with the fiscal year which begins July 1, 1971, a written report showing the total amount of funds obligated in, for, or on behalf of Cambodia during the preceding quarter by the United States Government, and shall include in such report a general breakdown of the total amount obligated, describing the different purposes for which such funds were obligated and the total amount obligated for such purpose, except that in the case of the first two quarters of the fiscal year beginning July 1, 1971, a single report may be submitted for both such quarters and such report may be computed on the basis of the most accurate estimates the President is able to make taking into consideration all information available to him.

"(g) Assistance to Cambodia not a commitment of United States to defense of Cambodia.

"Enactment of this section shall not be construed as a commitment by the United States to Cambodia for its defense. (Pub. L. 87-195, pt. III, § 655, as added Pub. L. 92-226, pt. III, § 304 (b), Feb. 7, 1972, 86 Stat. 29.)

"§ 2416. Limitations on United States personnel and personnel assisted by United States in Cambodia; air operations exclusion; executive agency of the United States Government.

"The total number of civilian officers and employees of executive agencies of the United States Government who are citizens of the United States and of members of the Armed Forces of the United States (excluding such members while actually engaged in air operations in or over Cambodia which originate outside Cambodia) present in Cambodia at any one time shall not exceed two hundred. The United States shall not, at any time, pay in whole or in part, directly or indirectly, the compensation or allowances of more than eighty-five individuals in Cambodia who are citizens of countries other than Cambodia or the United States. For purposes of this section, 'executive agency of the United States Government' means any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment within the executive branch of the United States Government. (Pub. L. 87-195, pt. III, § 656, as added Pub. L. 92-226, pt. III, § 304 (b), Feb. 7, 1972, 86 Stat. 30.)

The other sections of the Act are not material to U. S. military involvement in Cambodia.

7. Armed Forces - Military Procurement Act of 1973, P. L. 92-436;
86 Stat. 734.

The Armed Forces Military Procurement Act of 1973 was approved on September 26, 1972.

Section 601 of the Act provided inter alia that:

"(b) Effective July 1, 1972, subsection (a)(1) of section 401 Public Law 89-367, approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"(a) (1) Not to exceed \$2,500,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos; and for related costs, during the fiscal year 1973 on such terms and conditions as the Secretary of Defense may determine. None of the funds appropriated to or for the use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970. Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: Provided, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of United States forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war."

The other sections of the Act are not material to U. S. military involvement in Cambodia.

8. Department of Defense Appropriations Act of 1973, P. L. 92-570;
86 Stat. 1184.

The Department of Defense Appropriations Act for the fiscal year ending June 30, 1973 was approved on October 26, 1972.

Section 737 (a) of the Act provided inter alia that:

"Not to exceed \$2,735,000,000 of the appropriations available to the Department of Defense during the current fiscal year shall be available for their stated purposes to support (1) Vietnamese and other free world forces in support of Vietnamese forces; (2) local forces in Laos; and for related costs on such terms and conditions as the Secretary of Defense may determine: Provided, That none of the funds appropriated by this Act may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States under section 310 of title 37, United States Code, serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970: Provided further, That nothing in clause (1) of the first sentence of this subsection shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: Provided further, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of United States forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war."

The other sections of the Act are not material to U. S. military involvement in Cambodia.

9. Second Supplemental Appropriations Act of 1973, P. L. 93-50;
87 Stat. 99.

The Second Supplemental Appropriations Act of 1973 was approved on July 1, 1973.

Section 307 of the Act provided that:

"None of the funds herein appropriated under this Act may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, North Vietnam and South Vietnam or off the shores of Cambodia, Laos, North Vietnam and South Vietnam by United States forces, and after August 15, 1973, no other funds heretofore appropriated under any other Act may be expended for such purpose."

The other sections of the Act are not material to U. S. military involvement in Cambodia.

10. Joint Resolution Continuing Appropriations for Fiscal Year 1974,
P. L. 93-52; 87 Stat. 130.

The Joint Resolution Continuing Appropriations for Fiscal Year 1974 was approved on July 1, 1973.

Section 108 of the Act provided that:

"Notwithstanding any other provision of law, on or after August 15, 1973, no funds herein or heretofore appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos or Cambodia."

The other sections of the Act are not material to U. S. military involvement in Cambodia.

PART 3

COURT OPINIONS,

HOLTZMAN v. RICHARDSON

and

HOLTZMAN v. SCHLESINGER

role process or that the involvement of the chaplains in the parole process at the Penitentiary is otherwise improper.

ORDER FOR JUDGMENT

In accordance with the Findings of Fact and Conclusions of Law stated herein, it will be ordered that the defendants shall grant to the Church of the New Song members at the Fort Madison Penitentiary the right to exercise their religion equally with other religions. It will be further ordered that the portion of the cause of action seeking to restrict the activities of the chaplains in the parole process is dismissed.

It Is Ordered that the above shall constitute the Findings of Fact, Conclusions of Law, and Order for Judgment in this cause of action.



Elizabeth HOLTZMAN, Individually and in her capacity as a Member of the United States House of Representatives, Plaintiff,

v.

Elliot L. RICHARDSON, Individually and as Secretary of Defense and **Robert C. Seamans, Jr.**, Individually and as Secretary of the Air Force, Defendants.

No. 73-C-537.

United States District Court,
E. D. New York.

June 13, 1973.

Congresswoman brought action against Secretaries of Defense and Air Force seeking determination that President of the United States and military personnel under his direction and control could not engage in intensive combat operations in Cambodia and elsewhere in Indochina in the absence of congressional authorization. On plaintiff's motion for summary judgment and motion to

serve amended and supplemental complaint adding nonresidents as plaintiffs and on defendants' motion to dismiss complaint for failure to state a valid claim for relief, the District Court, Judd, J., held that plaintiff's responsibilities as a congresswoman gave her nexus necessary to have standing to contest defendants' policies which allegedly infringed upon her Article I duties, and that neither political question doctrine nor rule forbidding advisory opinions warranted dismissal of subject action. The Court further held that presence of such nonresidents as plaintiffs did not prevent venue from being proper for all plaintiffs.

Defendants' motion denied; plaintiff's motion for summary judgment held in abeyance, and plaintiff's motion to serve amended supplemental complaint granted.

Plaintiff's motion for summary judgment granted, D.C., 361 F.Supp. 553.

1. Federal Civil Procedure ⇨2532

A motion for summary judgment before answer should not be granted unless it is clear that an issue of material fact cannot be presented.

2. Federal Civil Procedure ⇨2532

In view of rule providing that a party may move for summary judgment at any time after expiration of 20 days from commencement of the action, plaintiff's motion for summary judgment which was served 21 days after complaint was filed against secretaries of Defense and Air Force was not premature on grounds of applicability of rule providing that United States or an officer or agency thereof has 60 days after service of pleading in which to answer a complaint. Fed.Rules Civ.Proc. rules 3, 12, 56, 28 U.S.C.A.

3. Federal Civil Procedure ⇨1742

Complaint may be dismissed for lack of jurisdiction of subject matter only if claim is so attenuated and insubstantial as to be absolutely devoid of merit.

4. Courts ⇨282(1)

Delicate balance in relationship between Congress and the President concerning power to wage war is a controversy arising under the Constitution and therefore within jurisdiction of federal district court. 28 U.S.C.A. § 1331(a); U.S.C.A.Const. art. 1, § 8.

5. Federal Civil Procedure ⇨103

Heart of question on standing to sue is whether plaintiff has alleged such a personal stake in outcome of controversy as to assure concrete presentation of issues in an adversary context so that a court will be properly guided in determining difficult issues; the controversy involved must be a substantial one admitting of specific relief.

6. Federal Civil Procedure ⇨103

When plaintiff is member of a narrowly defined group which has been more directly affected by conduct in question than has the general population, test for standing to sue should be met.

7. Federal Civil Procedure ⇨103

Question as to whether particular person is a proper party to maintain subject action does not, by its own force, raise separation of powers problems related to improper judicial interference in areas committed to other branches of federal government.

8. Constitutional Law ⇨42.3(3)

Congresswoman's responsibilities gave her nexus necessary to have standing to contest policies, of Secretary of Defense and Secretary of the Air Force, which related to President's orders directing the bombing of Cambodia and which allegedly infringed upon her Article I duties with respect to Congress' war-making power. U.S.C.A.Const. art. 1, § 8.

9. Federal Civil Procedure ⇨338

Air Force officers asserting that they were being compelled to comply with unlawful orders and to risk their lives in unauthorized bombing missions over Cambodia had standing to be in-

cluded as plaintiffs in congresswoman's action seeking a determination that President of the United States and military personnel under his direction and control could not engage in intensive combat operations in Cambodia and elsewhere in Indochina in the absence of congressional authorization.

10. Constitutional Law ⇨68(1)

Political question exception to jurisdiction depends on facts of particular case.

11. Constitutional Law ⇨68(1)

Question of balance of constitutional authority to declare war, as between the executive and legislative branches, is not a political question.

12. Constitutional Law ⇨68(1)

Political question doctrine did not justify dismissal, prior to examination of the merits, of complaint by congresswoman seeking a determination that President of the United States and military personnel under his direction and control could not engage in intensive combat operations in Cambodia and elsewhere in Indochina in the absence of congressional authorization.

13. Constitutional Law ⇨69

Rule forbidding advisory opinions was not applicable with respect to congresswoman's action seeking a determination that President of the United States and military personnel under his direction and control could not engage in intensive combat operations in Cambodia and elsewhere in Indochina in the absence of congressional authorization.

14. Courts ⇨273

Presence of three Air Force officers, none of whom were residents of the Eastern District of New York, as plaintiffs in congresswoman's properly brought suit, seeking a determination that President of United States and military personnel under his direction and control could not engage in intensive combat operations in Cambodia and elsewhere in Indochina in the absence of congressional authorization, did not pre-

vent venue in such district from being proper for all plaintiffs, in view of fact that only one plaintiff needed to be resident of the district. 28 U.S.C.A. § 1391(e)(4).

15. Courts ⇨328.1

In determining amount in controversy, court may consider pecuniary result to either party which a judgment might produce.

16. Courts ⇨328.2(2)

In view of millions of dollars in expenditures involved as part of bombing operation in Cambodia, requirement of \$10,000 or more in controversy was met with respect to congresswoman's action seeking a determination that President of the United States and military personnel under his direction and control could not engage in intensive combat operations in Cambodia and elsewhere in Indochina in absence of congressional authorization.

17. Federal Civil Procedure ⇨392

Addition of parties is not governed by rule concerning amendment of pleadings but rather by rule stating that parties may be dropped or added by order of court on motion of any party or on its own initiative at any stage of the action. Fed.Rules Civ.Proc. rules 15, 21, 28 U.S.C.A.

Neuborne & Friedman, New York City, for plaintiff; by Burt Neuborne, New York City, of Counsel.

Robert A. Morse, U. S. Atty., E.D.N.Y., Brooklyn, N.Y., for defendants; by James D. Porter, Jr., Cyril Hyman, Asst. U. S. Attys., of counsel.

Earle K. Moore, New York City, for Council for Christian Social Action of the United Church of Christ, and others, amici curiae.

Lawrence R. Velvel, Washington, D. C., and Rabinowitz, Boudin & Standard, New York City, for Congressman Parren J. Mitchell, and others, amici curiae.

JUDD, District Judge.

MEMORANDUM AND ORDER

Plaintiff, a member of the United States House of Representatives from a Brooklyn district, seeks a determination that the President of the United States and the military personnel under his direction and control may not engage in intensive combat operations in Cambodia and elsewhere in Indochina in the absence of congressional authorization.

Motions

1. Plaintiff has moved for summary judgment declaring that the defendants may not order American military forces to combat in Cambodia and granting appropriate injunctive relief.

2. Plaintiff has also moved to serve an amended and supplemental complaint adding as plaintiffs three Air Force officers stationed in Guam, none of whom are residents of the Eastern District of New York.

3. Congressman Parren J. Mitchell of the Seventh Congressional District of Maryland, together with seven other Congressmen from districts not within the Eastern District of New York, have moved for leave to file a brief as *amici curiae*.

4. Defendants have moved to dismiss the complaint for failure to state a valid claim for relief because (a) plaintiff lacks standing; (b) the court lacks jurisdiction over the subject matter; and (c) the complaint involves non-justiciable political questions on which relief cannot be granted. Defendants also assert that the motion for summary judgment is premature.

No motion has yet been made to implement the statement that the complaint is brought on behalf of all similarly situated Congressmen. It is not yet necessary to determine whether the case may properly be treated as a class action.

Facts

The complaint was filed on April 17, 1973. Plaintiff asserted among other things that her right to an undiluted vote upon the declaration of hostilities was impaired by presidential action in engaging in extensive combat in Cambodia without congressional authorization. She pointed out that a cease-fire had been negotiated in Vietnam, all American servicemen had been withdrawn, and all American prisoners of war had been released; and she asserted that no congressional authorization exists for committing American forces to combat in Cambodia.

An order to show cause why the court should not declare continued military activities in Cambodia to be unlawful was signed on April 19 by Judge Dooling, to whom the case had been assigned as a related case. Before the return date of the motion, Judge Dooling determined that the case was not in fact related to prior matters before him, and directed that it be reassigned under this court's random assignment plan. On the return date of the order to show cause on April 26, 1973, the matter was adjourned at defendants' request until May 18, with answering papers to be served by May 16.

The motion for summary judgment and injunctive relief was served and filed on May 8, 1973, accompanied by a statement of allegedly undisputed facts pursuant to Rule 9(g) of this court's General Rules. In particular, plaintiff asserted that the United States is currently engaged in large-scale combat air operations in Cambodia involving hundreds of war planes based in Thailand and Guam, and that United States war planes dropped 39,500 tons of explosives on Cambodia during March 1973 and flew 180 combat missions daily during the first three weeks of April. Plaintiff further asserts as undisputed material facts that the last American serviceman was withdrawn from Vietnam on March 28, 1973 and the last American prisoner of war was repatriated on April 1, 1973,

and that although no Congressional authorization exists for the commitment of American forces to combat in Cambodia, the Executive has informed Congress that it is prepared to continue its military activities whether or not the Congress appropriates funds for the Cambodian combat operations.

Defendants' response asserts that there are still over 1,300 missing in action in the Vietnam hostilities who have not yet been accounted for. Defendants also assert by affidavit of the Chief of the Civil Division of the United States Attorney's office that "there may well be dispute as to assertions made in plaintiff's Rule 9(g) statement." They request time to submit papers addressed to the merits.

The plaintiffs who are proposed to be added assert that they are being compelled to comply with unlawful orders, and to risk their lives in unauthorized bombing missions over Cambodia.

The brief of the Protestant, Catholic and Jewish religious groups, which appear as *amici*, assert that the existence of Congressional authorization to make war is justiciable, and point out that participation in Cambodian hostilities may conflict with the Agreement on Ending the War and Restoring Peace in Vietnam.

Discussion

It is necessary to deal first with the question of the timing of the motions, then with the issue of plaintiff's standing and other jurisdictional questions, and finally with the particular motions of the several parties.

Timing

The government relies on the provision of F.R.Civ.P. 12(a) that the United States or an officer or agency thereof has sixty days "after the service upon the United States attorney of the pleading" within which to answer a complaint.

Rule 56, however, provides that a party may move for summary judgment "at

any time after the expiration of 20 days from the commencement of the action." Plaintiff's motion for summary judgment was served 21 days after the complaint was filed.

The difference between the two rules is significant. The time is computed in different ways. Since an action is commenced under F.R.Civ.P. 3 by the filing of a complaint, regardless of the time when it is served, the measure of time in Rule 56 is unrelated to the time in Rule 12. Moreover, Rule 56 does not provide for a longer time before a motion can be made against a government agency than one against a private party.

[1] Judge Charles E. Clark, a distinguished authority on procedure, criticized the original federal rule for not permitting the filing of a motion for summary judgment as soon as an action is brought. See his dissent in *United States v. Adler's Creamery, Inc.*, 107 F.2d 987, 992 (2d Cir. 1939). The 1946 amendment, which permitted a motion for summary judgment in advance of answer, should be interpreted in a manner to expedite the disposition of litigation. There is no need to impart into it the 60-day period for government answer that was specified in old Rule 12. A plaintiff moving for summary judgment before answer may be required to face a somewhat higher standard, however. As Professor Moore has suggested, a motion before answer should not be granted "unless it is clear that an issue of material fact cannot be presented." 6 *Moore's Federal Practice* (2d ed. 1948, 1972) ¶ 56.07, p. 2092.

There has never been any requirement of any delay in the consideration of a preliminary injunction in an action against a United States officer or agency, except as the court in its discretion may find to be appropriate.

[2] The court therefore rejects the argument that the motion for summary judgment was premature.

Defendants' Motion to Dismiss

Jurisdiction

Defendants' three grounds for this motion to dismiss are all essentially jurisdictional, whether described as relating to standing, subject matter, or political question.

Standing

Under Article III, § 2, Clause 1, of the Constitution, the jurisdiction of federal courts is limited to "cases" and "controversies." Judicial definitions of the elements requisite for "cases" and "controversies" have proved to be elusive.

Unlike case or controversy, terms specifically enumerated in Article III, "standing" is not mentioned in the Constitution. It received its first full expression in *Frothingham v. Mellon*, 262 U.S. 447, 43 S.Ct. 597, 67 L.Ed. 1078 (1923).

[3] Later, in *Flast v. Cohen*, 392 U.S. 83, 88 S.Ct. 1942, 20 L.Ed.2d 947 (1968), the Court stated that political questions, advisory opinions, and lack of standing result in there being no justiciable controversy. Whether standing is denominated a component of jurisdiction or of justiciability may at first blush seem unimportant, due to the requirement that both issues must be resolved before any determination can be made of the merits of the controversy. *Baker v. Carr*, 369 U.S. 186, 82 S.Ct. 691, 7 L.Ed.2d 663 (1962); *DaCosta v. Laird*, 471 F.2d 1146 (2d Cir. 1973). However, a complaint may be dismissed for lack of jurisdiction of the subject matter only if the claim is so attenuated and insubstantial as to be absolutely devoid of merit. *Newburyport Water Co. v. Newburyport*, 193 U.S. 561, 24 S.Ct. 553, 48 L.Ed. 795 (1904); *Baker v. Carr*, *supra*.

[4] Plaintiff has raised a serious constitutional question dealing with the war-making power of Congress enumerated in Article I, § 8 of the Constitution. The seriousness of this question has been recognized repeatedly within this circuit. *Berk v. Laird*, 429 F.2d 302 (2d Cir. 1970); *Orlando v. Laird*, 443 F.2d

1039 (2d Cir. 1971). The delicate balance in the relationship between Congress and the President, concerning the power to wage war is a controversy arising under the Constitution and therefore within the jurisdiction of this court. 28 U.S.C. § 1331(a).

Whether a particular party has a sufficient stake in an otherwise justiciable controversy to obtain judicial resolution of it is what has traditionally been referred to as the question of standing to sue. In *Sierra Club v. Morton*, 405 U.S. 727, 732, 92 S.Ct. 1361, 1364, 31 L.Ed.2d 636 (1972), the Supreme Court held that when a party, such as the plaintiff here, does not rely on any specific statute authorizing invocation of the judicial process,

the question of standing depends upon whether the party has alleged such a "personal stake in the outcome of the controversy," *Baker v. Carr* . . . as to ensure that "the dispute sought to be adjudicated will be presented in an adversary context and in a form historically viewed as capable of judicial resolution." *Flast v. Cohen*.

[5] The heart of the question becomes whether the plaintiff has alleged such a personal stake in the outcome of the controversy as to assure the concrete presentation of issues in an adversary context so that a court will be properly guided in determining difficult issues. The controversy involved must be a substantial one admitting of specific relief. *Aetna Life Insurance Co. v. Haworth*, 300 U.S. 227, 57 S.Ct. 461, 81 L.Ed. 617 (1937).

In the present case the court is not being asked to decide ill-defined controversies over constitutional issues. The issue has been focused as sharply as possible: Whether the President's orders directing the bombing of Cambodia constituted a usurpation of Congress' war making power under Article I, § 8 of the Constitution. Nor is this a case in which the court is being asked to decide a hypothetical question or abstract issue.

Plaintiff is not asking for a determination whether the President would violate the Constitution by engaging in certain acts, but rather a determination that the present action of the President violates the Constitution. Nor is this a collusive suit where the parties are suspected of sharing the same interests.

[6] Plaintiff *qua* Congresswoman does not merely suffer in some indefinite way in common with people generally. She is a member of a specific and narrowly defined group—the House of Representatives. As a Congresswoman, plaintiff is called upon to appropriate funds for military operations, raise an army, and declare war. Additionally, plaintiff has a continuing responsibility to insure the checks and balances of our democracy through the use of impeachment. When a plaintiff is a member of a narrowly defined group, which has been more directly affected by the conduct in question than has the general population, the test for standing should be met. *Scott, Standing in the Supreme Court—a Functional Analysis*, 86 Harv. L.Rev. 645 (Feb. 1973).

[7] The question whether a particular person is a proper party to maintain the action does not, by its own force, raise separation of powers problems related to improper judicial interference in areas committed to other branches of the federal government. *Flast v. Cohen, supra*.

Professor Jaffee has stated, in *Standing Again*, 84 Harv.L.Rev. 633, at 634, 635 (1971),

My own view has been and continues to be that a plaintiff who does not have a "protected interest," whether as an individual or as a group, does not have a *right* to review, but that a court in its discretion may at the suit of such a person review the legal question if it deems such consideration to be in the public interest.

. . . I believe . . . that any citizen can constitutionally be a plaintiff . . . in a "public law"

suit even though he suffers no injury whatever beyond his concern for the public interest.

In *Mitchell v. Laird*, 476 F.2d 533 (D.C. Cir. March 20, 1973), thirteen members of the United States House of Representatives filed a complaint against the President and the Secretaries of State, Defense, Navy, and Air Force, seeking declaratory and injunctive relief against continued warfare in Indochina. In finding that the plaintiffs had standing, the Court relied upon the fact that it would be the duty of plaintiffs to consider impeachment if defendants' actions contravened the Constitution, that plaintiffs have a quite distinct duty to determine whether to make appropriations to support the hostilities, and that plaintiffs might have to take other legislative actions related to such hostilities, such as raising an army or enacting other civil or criminal legislation.

Standing of legislators was also upheld in *Trombetta v. State of Florida*, 353 F.Supp. 575 (M.D.Fla.1973), ruling that members of the Florida Legislature had standing to seek a declaratory judgment whether the proposed Twenty-seventh (Equal Rights) Amendment to the United States Constitution was repugnant to Articles V and VI of the United States Constitution; and in *Coleman v. Miller*, 307 U.S. 433, 59 S.Ct. 972, 83 L. Ed. 1385 (1939), an original proceeding in mandamus by members of the Kansas Legislature against the Secretary of the Senate of Kansas and others to compel the Secretary to erase an endorsement on the Senate resolution ratifying the Child Labor Amendment to the United States Constitution. The *Trombetta* and *Coleman* cases, involving state legislatures, are not completely parallel, but a member of Congress should have an equal right to invoke the jurisdiction of a federal court.

[8] Congresswoman Holtzman is a member of a well defined group that is directly affected by defendants' action. She has presented a sharply focused controversy in an adversary context. Her

responsibilities as a Congresswoman give her the nexus necessary to have standing to contest the policies of defendants that allegedly infringe upon her Article I duties.

[9] The standing of the airmen as added plaintiffs is clear, *Berk v. Laird*, 429 F.2d 302 (2d Cir. 1970), if they can pass the test of venue, discussed later.

Political Question

In determining whether there is subject-matter jurisdiction, the court must consider whether the case presents a "political question" outside its jurisdiction, before it can reach the merits of the controversy. This is a facet of the problem of justiciability.

The Second Circuit has shaped its formulation of the political question doctrine from guidance provided by the Supreme Court in cases such as *Baker v. Carr*, 369 U.S. 186, 82 S.Ct. 691, 7 L. Ed.2d 663 (1962); *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 72 S. Ct. 863, 96 L.Ed. 1153 (1952); and *Powell v. McCormack*, 395 U.S. 486, 89 S.Ct. 1944, 23 L.Ed.2d 491 (1969). In *Berk v. Laird*, *supra*, 429 F.2d at 305, it held that a soldier seeking to enjoin orders in the Vietnam hostilities as lacking constitutional authority had a right to ask a court to determine whether there were "judicially discoverable and manageable standards" for resolving the issue. In *Orlando v. Laird*, 443 F.2d 1039, 1042 (2d Cir. 1971), it held that courts should not review the form of congressional authorization, once it had been determined that there was "any action by the Congress sufficient to authorize or ratify the military activity in question." In *DaCosta v. Laird*, 471 F.2d 1146, 1155 (2d Cir. 1973), it held that judges could not appropriately determine

whether a specific military operation constitutes an "escalation" of the war or is merely a new tactical approach within a continuing strategic plan.

Defendants rely on this statement but fail to consider the court's further statement (p. 1156) that

We specifically do not pass on the point urged by appellant whether a radical change in the character of war operations—as by an intentional policy of indiscriminate bombing of civilians without any military objective—might be sufficiently measurable judicially to warrant a court's consideration, i. e., might contain a standard which we seek in this record and do not find.

The appeal in that case was from an order denying injunctive relief, after the court had reviewed documentary material submitted by both sides. Here the issue arises on a motion to dismiss the complaint on its face. The motion for summary judgment on the merits is not being considered yet.

[10, 11] The teaching of those cases is that the political question exception to jurisdiction depends on the facts of the particular case, but that the question of the balance of constitutional authority to declare war, as between the executive and legislative branches, is not a political question.

The Second Circuit rule was not repudiated by the Supreme Court's summary affirmance of *Atlee v. Laird*, 347 F. Supp. 689 (1972), aff'd, 411 U.S. 911, 93 S.Ct. 1545, 36 L.Ed.2d 304 (1973). The district court there dealt with a question whether Congress could constitutionally authorize warfare by appropriation bills rather than whether Congress had in fact given approval to the acts of the executive. The district court in *Atlee* referred to the rapid changes in world politics as a reason for not taking jurisdiction, but stated (p. 707):

This, of course, is one reason justifying a court's taking small steps in sensitive areas, because the judiciary lacks the flexibility found in the political departments, to deal adequately with a constantly changing world scene.

The *Atlee* case dealt with a general challenge to "the constitutionality of the war in South East Asia." 347 F.Supp. at 691. Lack of merit may also have

been mingled with procedural issues in the affirmance of the *Atlee* case, since the Supreme Court had previously refused to review cases which upheld the President's authority to use American forces in Vietnam. It had denied certiorari in the *Berk*, *Orlando*, and *DaCosta* cases. *Berk v. Laird*, 429 F.2d 302, cert. denied, 404 U.S. 869, 92 S.Ct. 94, 30 L.Ed.2d 113 (1971); *Orlando v. Laird*, 443 F.2d 1039, cert. denied, 404 U.S. 869, 92 S.Ct. 94, 30 L.Ed.2d 113 (1971); *DaCosta v. Laird*, 448 F.2d 1368, cert. denied, 405 U.S. 979, 92 S.Ct. 1193, 31 L.Ed.2d 255 (1972).

The present case, dealing with Cambodian combat operations, involves other issues, for the Senate and the House have spoken separately on Cambodia, and the entire Congress, in approving limited foreign aid to Cambodia, 22 U.S.C. § 2415(g), expressly stated in 1972 (P.L. 92-226) that such aid

. . . shall not be construed as a commitment by the United States to Cambodia for its defense.

Judge Dooling said in his opinion in *DaCosta v. Laird* of May 24, 1972, concerning political question:

The actual conduct of a defined war, when that war is in its lawful progress, is such an area. (Emphasis added).

The present case, attacking only the use of bombers in Cambodia after the Vietnam cease-fire, has a narrower reach than *Atlee* and may present one of the "small steps in sensitive areas" which is within the realm of justiciability under the district court's opinion in *Atlee*.

This is one of the first suits brought after the withdrawal of American troops from Vietnam and the return of prisoners of war. Reluctance to jeopardize the safety of American soldiers or prisoners is no longer a barrier to judicial determination of the constitutionality of a phase of war activity.

Therefore the case does not present a tactical decision in an ongoing war like *DaCosta III*, *supra*, 471 F.2d 1146

(whether to mine Haiphong harbor). Rather it involves the question whether the authorized Vietnam war has terminated. Courts have often been asked to determine when a war has ended and peace has begun. *E. g.*, *United States v. Curtiss-Wright Corp.*, 299 U.S. 304, 57 S.Ct. 216, 81 L.Ed. 255 (1936); *cf.*, *United States v. Swift*, Crim.No. 72-747-W, District of Massachusetts, Opinion of Wyzanski, J., March 28, 1973.

[12] The political question doctrine does not appear to justify dismissal of this complaint before examination of the merits, on which this court has reached no decision.

Advisory Opinion

[13] Plaintiff is not seeking a judicial determination as to her rights upon the happening of some events in the future. Rather, she is seeking a judicial declaration that military operations currently being conducted in Cambodia are in violation of the United States Constitution. This does not come within the rule forbidding advisory opinions, a rule which stems from the risk that comes from passing on abstract questions rather than limiting decisions to concrete cases in which a question is precisely framed by a clash of genuine adversary argument. *Wright, Federal Courts* (2d ed. 1970) pp. 37-38; *Berger, Standing to Sue in Public Actions: Is It a Constitutional Requirement?*, 78 *Yale L.J.* 816, 830-31 (1968).

Venue

[14] There is no doubt of the proper venue of this action as originally brought by plaintiff, a Brooklyn resident, since express provision in 28 U.S.C. § 1391(e)(4) permits suit against a federal officer or agency in any judicial district where the plaintiff resides. Suit by the airmen might have to be brought in some other district if they were not joined in this action, or if plaintiff Holtzman did not have standing. Their presence as plaintiffs in a suit properly brought by Congresswoman Holtzman, however, does not prevent

the venue being proper for all plaintiffs, since only one plaintiff need be a resident of the district. *Natural Resources Defense Council v. Tennessee Valley Authority*, 340 F.Supp. 400 (S.D.N.Y.1971), *rev'd on other grounds*, 459 F.2d 255 (2d Cir. 1972).

Amount in Controversy

[15] In determining the amount in controversy, the court may consider the pecuniary result to either party which a judgment might produce. *Berman v. Narragansett Racing Assoc.*, 414 F.2d 311 (1st Cir. 1969); *Bass v. Rockefeller*, 331 F.Supp. 945 (S.D.N.Y.1971); Note, *Federal Jurisdictional Amount: Determination of the Matter in Controversy*, 73 *Harv.L.Rev.* 1369 (1960).

[16] With millions of dollars in expenditures involved as part of the bombing operation, there is no question that the requirement of \$10,000 or more in controversy is met.

Plaintiff's Motions

[17] Addition of parties is not governed by F.R.Civ.P. 15, concerning amendments of pleadings, but F.R.Civ.P. 21, which states that

Parties may be dropped or added by order of the court on motion of any party or on its own initiative at any stage of the action. . . .

Burlington Hospital v. Charles Pfizer & Co., 48 F.R.D. 343 (S.D.N.Y.1969); *Maynard, Merel & Co. v. Carcioppolo*, 51 F.R.D. 273 (S.D.N.Y.1970).

It is entirely appropriate and timely to permit the addition of the proposed military plaintiffs.

Summary Judgment

Plaintiff's motion for summary judgment will be held in abeyance pending the receipt of additional papers from the defendants. In view of the length of time the court has had the matter under advisement, during which defendants have had an opportunity to assemble the pertinent facts, they should be prepared to set forth their contentions without much further delay.

It is ordered:

(1) That defendants' motion to dismiss the complaint be denied;

(2) That plaintiff be granted leave to serve an amended and supplemental complaint adding First Lieutenant Arthur Watson, Captain Michael Flugger, and Captain James H. Strain as plaintiffs;

(3) That defendants answer such amended and supplemental complaint within ten days after its service on the United States Attorney;

(4) That Hon. Parren J. Mitchell, Bella S. Abzug, Donald M. Fraser, Herman Badillo, Benjamin I. Rosenthal, Robert W. Kastenmeier, Don Edwards, and Michael J. Harrington, Members of Congress, be granted leave to file briefs in the case as *amici curiae*;

(5) That defendants shall file papers responsive to the motion for summary judgment by June 25, 1973; and

(6) That the matter be set down for argument on that motion at 10:00 a. m. on June 29, 1973.



Elizabeth HOLTZMAN, Individually and in her capacity as a member of the United States House of Representatives, et al., Plaintiffs,

v.

James R. SCHLESINGER, Individually and as Secretary of Defense, et al., Defendants.

No. 73-C-537.

United States District Court,
E. D. New York.
July 25, 1973.

Action by congresswoman and air force officers seeking declaratory and equitable relief in connection with combat operations in Cambodia. The District Court, Judd, J., 361 F.Supp. 544,

denied defendants' motion to dismiss, granted congresswoman's motion to serve supplemental complaint adding nonresident officers as plaintiffs and held congresswoman's motion for summary judgment in obedience. On plaintiffs' motion for summary judgment, the District Court, Judd, J., held that the President and military personnel under his direction and control would be enjoined from engaging in combat operations in Cambodia, but that effective date of the injunction would be postponed in order to permit defendant to apply for a stay from the Court of Appeals.

Motion granted; stay of injunction ordered.

1. Constitutional Law ⇨68(1)

Question of balance of constitutional authority to declare war, as between the executive and legislative branches, is not a political question and hence presents a justiciable issue, if plaintiffs can succeed in showing that there are manageable standards to resolve the controversy.

2. United States ⇨85

Appropriations bills do not necessarily indicate open-ended approval of all military operations which may be conducted.

3. United States ⇨28

Congress as principal may limit duration of any authorization which it gives to the President as its agent.

4. Statutes ⇨219(1)

Extent of power granted by Congress depends on language used by Congress, not on President's statements to Congress.

5. United States ⇨28

An emergency does not create power unless Congress has granted it.

6. United States ⇨28

Nonaction by Congress does not constitute an implied grant of power.

7. War and National Defense ⇨6

Congress can exercise its war-making power through measures other than

an expressed declaration of war, but courts should not easily infer the exercise of such a grave responsibility.

8. Statutes ⌘217.4

Legislative history as evidenced through vetoed bills was relevant to judicial inquiry of whether Congress intended to participate in challenged military campaign in Cambodia.

9. Injunction ⌘75

War and National Defense ⌘6

In absence of congressional authorization, required under Federal Constitution article on power of Congress to declare war, to fight in Cambodia after withdrawal of American troops and release of American prisoners of war, President of the United States and military personnel under his direction and control would be enjoined from engaging in combat operations in Cambodia. U. S.C.A.Const. art. 1, § 8, cl. 11; art. 2, § 3; Act Oct. 7, 1970, 84 Stat. 905; Department of Defense Appropriation Act, 1970, 84 Stat. 2020; Appropriations Authorization-Military Procurement Act, 1972, §§ 501, 601(a), 85 Stat. 423; Special Foreign Assistance Act of 1971, § 7, 84 Stat. 1942; Department of Defense Appropriation Act, 1968, § 639(a), 81 Stat. 231; Department of Defense Appropriation Act, 1972, § 738(a), 85 Stat. 716; Military Procurement Act, 1973, § 601, 86 Stat. 734; Department of Defense Appropriation Act, 1973, § 737, 86 Stat. 1184; The Foreign Assistance Act of 1961, §§ 655, 655(d, g), 656 as amended 22 U.S.C.A. §§ 2415, 2415(d, g), 2416; Act May 7, 1965, 79 Stat. 109.

Neuborne & Friedman, New York City by Burt Neuborne, Leon Friedman, New York City, of counsel, for plaintiffs.

Robert A. Morse, U. S. Atty., E. D. N. Y., by James D. Porter, Jr., Brooklyn, N. Y., Cyril Hyman, Asst. U. S. Attys., New York City, of counsel, for defendants.

Earle K. Moore, New York City, for Council for Christian Social Action of the United Church of Christ, and others, amici curiae.

Rabinowitz, Boudin & Standard, New York City, for Congressman Parren J. Mitchell and others, amici curiae by Michael Krinsky and Eric Lieberman, New York City, of counsel.

MEMORANDUM AND ORDER

JUDD, District Judge.

Plaintiffs seek a determination that the President of the United States and the military personnel under his direction and control may not engage in intensive combat operations in Cambodia and elsewhere in Indochina in the absence of Congressional authorization required under Article I, § 8, Clause 11 of the Constitution. The case is before the court on plaintiffs' motion for summary judgment for lack of genuine issues of material fact. Additionally, plaintiffs seek declaratory and/or injunctive relief.

Plaintiffs have also moved to add as plaintiff another Air Force officer on active duty, Captain Donald Dawson, and to stay the defendants from ordering him to engage in bombing missions over Cambodia.

Posture of the Case

At an earlier stage this court denied defendants' motion to dismiss the complaint, and overruled the contentions that Congresswoman Holtzman lacked standing to challenge the military activities in question and that the controversy presented a nonjusticiable political question.

Both sides were given an opportunity to submit any additional papers that would bear on the appropriateness of summary judgment.

Facts

Review of the facts may begin with 1970, since the earlier phases of hostili-

ties in Indochina have been summarized in an earlier case.

This court held in September 1970 in *Berk v. Laird*, 317 F.Supp. 715 (E.D.N.Y.1970), *aff'd sub nom., Orlando v. Laird*, 443 F.2d 1039 (2d Cir. 1971), that Congress had authorized hostilities in Vietnam to that date through a series of appropriation acts.

Hostilities in Cambodia

In response to Presidential pronouncements concerning the necessity of military action in Cambodia, there was a series of Congressional responses seeking in the main to limit such military action, and culminating in two laws enacted on July 1, 1973 which directed that no funds might be expended for Cambodian combat activities after August 15, 1973.

On April 30, 1970, the President stated in an address to the nation that "North Vietnam has occupied military sanctuaries all along the Cambodian frontier with South Vietnam," that Cambodia had therefore called on the United States for assistance, and that attacks were therefore being launched "to clean out major enemy sanctuaries on the Cambodian-Vietnam border." *The Situation in Southeast Asia*, 6 Presidential Documents 596, 597, 598.

On June 30, 1970, a report by the President on the Cambodian operation, released at San Clemente, California, stated that all American troops had withdrawn from Cambodia, but that the United States would continue to conduct air interdiction missions to prevent supplies and personnel being moved through Cambodia toward South Vietnam, and that "We do this to protect our forces in South Vietnam." The President also stated that one of the reasons for attacking the enemy's "sanctuaries" in Cambodia was that this would "enhance the prospects of a negotiated peace." *The Cambodian Operation*, 6 Presidential Documents 843, 850, 852.

The so-called Fulbright proviso, limiting military support to Cambodia except

to the extent necessary to insure the safe withdrawal of United States forces from Southeast Asia and the release of American prisoners of war, was adopted by the Congress during the summer of 1970 and inserted in the War Forces-Military Procurement Act of 1971 and became law with the President's approval on October 7, 1970. This proviso, which was repeated in every subsequent military appropriation and authorization act, reads as follows:

. . . nothing [herein] shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: *Provided further*, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war.

P.L. 91-441, 84 Stat. 905; P.L. 91-668, 84 Stat. 2020; P.L. 92-156, 85 Stat. 423; P.L. 92-204, 85 Stat. 716; P.L. 92-436, 86 Stat. 734; P.L. 92-570, 86 Stat. 1184.

On the evening of the same day the Fulbright proviso became law, October 7, 1970, the President addressed the nation by radio and television and stated that the North Vietnamese were carrying on aggression in Laos and Cambodia as well as in Vietnam and that "The war in Indochina has been proved to be of one piece; it cannot be cured by treating only one of its areas of outbreak." *The New Initiative for Peace in Southeast Asia*, 6 Presidential Documents 1349, 1350.

The Special Foreign Assistance Act of 1971 (P.L. 91-652, 84 Stat. 1942), approved January 1, 1971, provided:

Sec. 7. (a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used

to finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisers to or for Cambodian military forces in Cambodia...

(b) Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense.

On February 25, 1971, the President submitted a foreign policy report to Congress, saying again that the war in Indochina was "of one piece," that because of North Vietnamese infiltration in Cambodia "We faced the prospect of one large enemy base camp 600 miles along South Vietnam's flank;" and that our policy for Cambodia included "air missions against enemy supplies and personnel that pose a potential threat to South Vietnam or seek to establish base areas relevant to Vietnam." United States Foreign Policy for the 1970's: Building for Peace, 7 Presidential Documents 305, 328, 332.

On November 17, 1971, the so-called Mansfield amendment became law by action of Congress with the President's approval, and expressed the United States policy "to terminate at the earliest practicable date all military operations of the United States in Indochina." The pertinent portions of this amendment, which was part of the Appropriations Authorizations-Military Procurement Act, 1972, state:

Sec. 601. (a) It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces at a date certain, subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to

such Government or such forces. The Congress hereby urges and requests the President to implement the above-expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

In the Defense Appropriation Act of 1972 (P.L. 92-204), approved December 18, 1971, Congress specified:

Sec. 738(a) Not to exceed \$2,500,000,000 of the appropriations available to the Department of Defense during the current fiscal year shall be available for their stated purposes to support: (1) Vietnamese and other free world forces in support of Vietnamese forces (2) local forces in Laos and Thailand; and for related costs, on such terms and conditions as the Secretary of Defense may determine. Provided further, that nothing in

clause (1) of the first sentence of this subsection shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos. Provided further that nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war.

This language was continued in all subsequent military authorization or appropriations acts. See Appropriations Authorization-Military Procurement Act, 1972, P.L. 92-156, 85 Stat. 423, November 17, 1971, Sec. 501; Military Procurement Act, 1973, P.L. 92-436, 86 Stat. 734, September 26, 1972, Sec. 601; Department of Defense Appropriation Act, 1973, P.L. 92-570, 86 Stat. 1134, October 26, 1972, Sec. 737.

In the Foreign Assistance Act, 1971, approved on February 7, 1972, the Congress expressly stated that limited foreign aid to Cambodia "shall not be construed as a commitment by the United States to Cambodia for its defense." P.L. 92-226, 22 U.S.C. § 2415(g). The Act recognized the existence of bombing in Cambodia, in language which both sides cite. The pertinent provisions of the Act read as follows:

Sec. 655. Limitations Upon Assistance to or for Cambodia.—(a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other law may be obligated in any amount in excess of \$341,000,000 for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, equipment, services, personnel, or advisers in, to, for, or on behalf of Cambodia during the fiscal year ending June 30, 1972.

(c) No funds may be obligated for any of the purposes described in subsection (a) of this section in, to, for, or on behalf of Cambodia in any fiscal year beginning after June 30, 1972, unless such funds have been specifically authorized by law enacted after the date of enactment of this section. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated for any such purpose during such fiscal year.

(d) The provisions of subsections (a) and (c) of this section shall not apply with respect to the obligation of funds to carry out combat air operations over Cambodia.

(e) After the date of enactment of this section, whenever any request is made to the Congress for the appropriation of funds for use in, for, or on behalf of Cambodia for any fiscal year, the President shall furnish a written report to the Congress explaining the purpose for which such funds are to be used in such fiscal year.

Sec. 656. Limitations on United States Personnel and Personnel Assisted by United States in Cambodia.—The total number of civilian officers and employees of executive agencies of the United States Government who are citizens of the United States and of members of the Armed Forces of the United States (*excluding such members while actually engaged in air operations in or over Cambodia which originate outside Cambodia*) present in Cambodia at any one time shall not exceed two hundred. The United States shall not, at any time, pay in whole or in part, directly or indirectly, the compensation or allowances of more than eighty-five individuals in Cambodia who are citizens of countries other than Cambodia or the United States. For purposes of this section, "executive agency of the Unit-

ed States Government" means any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment within the executive branch of the United States Government. (Emphasis added).

On February 9, 1972, the President stated to Congress that North Vietnam continued to threaten the legitimate governments in Laos and Cambodia "in order to further its attacks on South Vietnam," and stated that "In Cambodia, operations are at the request of the Government and serve to relieve enemy pressures against Cambodia as well as South Vietnam." United States Foreign Policy for the 1970's: The Emerging Structure of Peace, 8 Presidential Documents 235, 343-45.

On April 18, 1972, testimony before the House of Representatives Committee on Armed Services stated that a significant portion of the Navy and Air Force incremental war costs of \$2,023,000,000 for fiscal 1972 "could be attributed to operations in Laos and Cambodia." Cong.Rec. 9173. Some information presented at that time was classified and made available for inspection only by members of Congress.

Events in 1973

On January 27, 1973, the parties participating in the Paris Conference on Vietnam signed an Agreement on Ending the War and Restoring Peace in Vietnam, which stated in Article 20(a):

. . . The parties participating in the Paris Conference on Vietnam undertake to refrain from using the territory of Cambodia and the territory of Laos to encroach on the sovereignty and security of one another and of other countries.

The affidavit of the Assistant United States Attorney opposing the motion for summary judgment asserts that after January 27, 1973, despite a unilateral cessation of hostilities by the governments of Cambodia and the United States, "the North Vietnamese launched

a general offensive in Cambodia, continuing the combat there. The military response of the United States continued."

In fact, there is evidence that air operations over Cambodia since January 27, 1973 have escalated sharply. A report on United States Air Operations in Cambodia prepared for the Subcommittee on United States Security Agreements and Commitments Abroad (April 1973—G.P.O.), states on page 7 that in the period February 16 through February 28, 1973, an average of twenty-three tactical air sorties a day and five B-52 sorties were flown in Cambodia. In the following two-week period, March 1—March 15, an average of fifty-eight tactical and gunship sorties and twenty B-52 sorties were flown. Between March 16—March 31, an average of 184 tactical sorties and fifty-eight B-52 sorties were flown. A statistical summary submitted by the Department of Defense to the Senate Armed Services Committee on June 19, 1973 shows that in the period October 30, 1972—January 27, 1973, 936 combat sorties were flown over Cambodia and that in the period January 27, 1973—April 30, 1973, 12,136 sorties were flown.

The last American combat troops were withdrawn from South Vietnam on March 28, 1973 and the last known American prisoners of war were released on April 1, 1973.

Secretary of State Rogers on April 3, 1973, submitted a statement on "Presidential Authority to Continue U.S. Air Combat Operations in Cambodia" to the Senate Committee on Foreign Relations at hearings concerning the Department of State Appropriations Authorization for fiscal 1974. The statement asserted its view that

the conflicts in Laos and Cambodia are closely related to the conflict in Vietnam and, in fact, are so inter-related as to be considered parts of a single conflict.

Hearings on S. 1248 and H.R. 5610, 93d Cong. 1st Sess. p. 452. It was further

stated that the presence of North Vietnamese troops in Laos and Cambodia threatened the right of self-determination of the South Vietnamese people, which was guaranteed by the Paris Agreement, and that air strikes in Cambodia were not for the defense of Cambodia as such, but to enforce compliance with the Vietnam (cease-fire) Agreement. *Id.* 453.

Congressional Moves After the Repatriation of American Prisoners of War

The Defense Department sought authority in May 1973 to transfer \$500 million to cover existing shortages of men and material. About \$175 million was earmarked for Cambodian bombing operations. See 119 Cong.Rec. H 3449 (daily ed. May 8, 1973). On May 10, 1973, the House voted down the transfer authority by a vote of 219-188. 119 Cong.Rec. H 3561, 3592-93 (daily ed. May 10, 1973).

Immediately thereafter the House adopted the Long Amendment to the Second Supplemental Appropriations Bill H.R. 7447, which explicitly forbade the use of Defense Department funds for the Cambodian bombing. The amendment read:

None of the funds herein appropriated to the Department of Defense under this Act shall be expended to support directly or indirectly combat activities in, over, or from off the shores of Cambodia by United States Forces.

119 Cong.Rec. H 3593 (daily ed. May 10, 1973). The Long Amendment passed by a vote of 224-172. *Ibid.* at H 3598.

Thereafter the Senate adopted a broader amendment to H.R. 7447, barring the use of any and all funds theretofore appropriated for the Defense Department for the bombing of Cambodia. It was introduced by Senator Eagleton on May 29, 1973:

Sec. 305. None of the funds herein appropriated under this Act or heretofore appropriated under any other Act may be expended to support directly or indirectly combat activities in, over

or from off the shores of Cambodia, or in or over Laos by United States forces.

• 119 Cong.Rec. S 9827 (daily ed. May 29, 1973). The Eagleton amendment was adopted by a vote of 63-19 on May 31, 1973. 119 Cong.Rec. S 10128 (daily ed. May 31, 1973).

Since the Eagleton amendment was more inclusive than the Long amendment, the measure went to a conference committee of the two houses. On June 25, 1973, the House receded and accepted the broader Eagleton amendment by a vote of 235 to 172. 119 Cong.Rec. H 5268 (daily ed. June 25, 1973). The House refused to adopt a proposed amendment to delay the effect of the Eagleton amendment. The vote was 204 to 204. *Ibid.* H 5274.

Thereafter on June 26, 1973, the Senate agreed to the conference report on H.R. 7447 containing the Eagleton amendment. The vote was 81 to 11. 119 Cong.Rec. S 12057 (daily ed. June 26, 1973). The bill was then sent to the President.

The President vetoed H.R. 7447 on June 27, 1973. The House voted 241 to 173 to override the veto—a majority of sixty-eight votes but short of the required two-thirds vote. 119 Cong.Rec. H 5487 (daily ed. June 27, 1973).

On the same day, the Senate voted to attach the Eagleton amendment to H.R. 841C, a bill to continue the existing increase in public debt through November 30, 1973. The amendment read as follows:

Sec. 501. No funds heretofore or hereafter appropriated under any Act of Congress may be obligated or expended to support directly or indirectly combat activities in, over, or from off the shores of Cambodia or in or over Laos by United States forces.

119 Cong.Rec. S 12171 (daily ed. June 27, 1973). The amendment was adopted by a vote of 67 to 29. *Ibid.* at S 12173. Thereafter the debt limit bill with the Eagleton amendment was passed by a vote of 72 to 19. *Ibid.* at S 12220.

On June 26, 1973 the House also adopted two amendments to the Continuing Appropriations Resolution (H.J.Res. 636), barring funds for Cambodian bombing. Congressman Long introduced the following amendment:

None of the funds under this joint resolution heretofore appropriated may be expended to support directly or indirectly combat activities in or over Cambodia or Laos or off the shores of Cambodia or Laos by United States forces.

Cong.Rec. H 5363 (daily ed. June 26, 1973). It passed by a vote of 218 to 194. *Ibid.* at H 5371. Congressman Adabbo introduced a similar amendment.

Sec. 108. None of the funds under this Joint Resolution may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, Vietnam and South Vietnam or off the shores of Cambodia, Laos, North Vietnam and South Vietnam by United States forces without the express consent of Congress.

It passed by a vote of 240 to 172. *Ibid.* at H 5373.

Faced with the dilemma of the President set upon vetoing any bill containing riders cutting off funds for Cambodian military operations and the urgency of providing funds for the operation of the federal government, Senator Fulbright on June 29, 1973, after conferences with White House representatives, introduced the following amendment to the Continuing Appropriations Resolution (H.J. Res. 636):

Sec. 109. Notwithstanding any other provision of law, on or after August 15, 1973, no funds herein, heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia.

119 Cong.Rec. S 12560 (daily ed. June 29, 1973). The Senate voted to adopt the Fulbright amendment 64 to 26. *Ibid.* S 12580. The Senate then voted to de-

lete the earlier Eagleton amendment from the Continuing Appropriations Resolution. *Ibid.* S 12581.

The House refused to pass S 109 as worded and in conference S 108 was adopted. 119 Cong.Rec.No. 104 (daily ed. June 30, 1973). The Conference Report was approved by the House on June 30. *Ibid.* at H 5781. H.J.Res. 636, the Joint Resolution Continuing Appropriations for Fiscal 1974, Public Law 93-52, was signed into law by the President on July 1 and provided:

Sec. 108. Notwithstanding any other provision of law, on or after August 15, 1973, no funds herein or heretofore appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos or Cambodia.

On July 1, the President also signed into law H.R. 9055, the Second Supplemental Appropriations Act, 1973, Public Law 93-50. The Act includes the following provision:

Sec. 307. None of the funds herein appropriated under this Act may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, North Vietnam and South Vietnam by United States forces, *and after August 15, 1973, no other funds heretofore appropriated, under any other Act may be expended for such purpose.* (Emphasis added).

Other Facts

The defendants do not disagree with plaintiffs' contention that all ground combat troops were withdrawn from Indochina on March 28, 1973. There is reference in the papers to a few members of the armed forces stationed as guards to the Embassy in Saigon, but no assertion that they are there to continue the Vietnam war.

The complete repatriation of all known American prisoners of war is established by testimony before Congress

quoted in plaintiffs' papers. Frank A. Sieverts, Special Assistant to the Deputy Secretary of State for Prisoner of War/Missing in Action Matters, in testimony before the National Security Policy and Scientific Developments Subcommittee of the House Committee on Foreign Affairs, May 31, 1973, stated:

It should be noted that there is no indication from these debriefings [of returning POW's] that any American personnel continue to be held in Indochina. All American prisoners known to any of our returned POW's have either been released or been listed by the communist authorities as having died in captivity. Returnees with whom I have talked, including those who appeared before this Subcommittee May 23, are clear in their belief that no U.S. prisoners continue to be held.

Defendants assert that the complete repatriation of prisoners of war is not an undisputed fact, but they have presented no evidence that there are any such prisoners remaining in North Vietnam or anywhere in Indochina. There remain, however, over 1,250 members of the armed forces listed as missing in action, who have not been located or officially declared to have died.

Plaintiffs and the *amici* assert that continuing hostilities in Cambodia do not represent activities of North Vietnamese troops, but a civil war between Khmer insurgents and the official government of Cambodia.

Plaintiffs and the *amici* also assert that continued U.S. bombing in Cambodia is causing the death and maiming of many civilians.

Defendants stated on oral argument that if summary judgment is denied, they would propose to offer testimony from Secretary of State Rogers, Secretary of Defense Schlesinger, and Dr. Kissinger concerning the necessity for the air operations and the importance of continuing bombing in Cambodia because of continuing confidential negotiations for a Cambodian cease-fire. No other

offer of proof has been made on behalf of the defendants.

On July 23, 1973, the government informed the court that statistical data reflecting bombing activities in Cambodia between March 1969 and April 1970 had been "declassified" and were published in revised Table concerning fighter-bomber munitions and B-52 munitions in the Congressional Record for July 18, 1973. Defendants do not contend, however, that these facts were known to Congress before July 1, 1973. The court does not find that these facts are relevant to the issues dealt with herein.

Discussion

1. Legal Standards

The Court of Appeals of this circuit has spoken several times concerning earlier aspects of the Vietnam hostilities.

[1] The teaching of *DaCosta v. Laird*, 471 F.2d 1146 (2d Cir. 1973), *Orlando v. Laird*, 443 F.2d 1039 (2d Cir. 1971), and *Berk v. Laird*, 429 F.2d 302 (2d Cir. 1970), is that the question of the balance of constitutional authority to declare war, as between the executive and legislative branches, is not a political question and hence presents a justiciable issue, if plaintiffs can succeed in showing that there are manageable standards to resolve the controversy.

The Court of Appeals in *Berk v. Laird*, *supra*, 429 F.2d at 305, stated that there might be manageable standards to determine whether "prolonged foreign military activities without any significant congressional authorization" might violate

a discoverable standard calling for some mutual participation by Congress in accordance with Article I, section 8. (Emphasis from the original).

This court on remand found that Congress in appropriations bills from 1965 through 1969 had shown "its continued support of the Vietnam action" and that Congress' choice of appropriations bills rather than a formal declaration of war to effectuate its intent involved a politi-

cal question which did not prevent the finding that the fighting in Vietnam was authorized by Congress and that such fighting was not a usurpation of power by either of the Presidents who had been in office after 1964. *Berk v. Laird, supra*, 317 F.Supp. at 726, 728-731.

[2] Nevertheless, appropriations bills do not necessarily indicate an open-ended approval of all military operations which may be conducted. See *Mitchell v. Laird*, 476 F.2d 533, 538 (D. C. Cir. 1973); Note, Congress, The President and the Power to Commit Forces to Combat, 81 Harv.L.Rev. 1171, 1802 (1968).

In affirming this court's *Berk* decision and Judge Dooling's similar *Orlando* decision, the Court of Appeals stated the test of whether there were manageable standards for adjudication as being "whether there is any action by the Congress sufficient to authorize or ratify the military activity in question." *Orlando v. Laird, supra*, 443 F.2d at 1042. It found that there was evidence of "an abundance of continuing mutual participation in the prosecution of the war." 443 F.2d at 1042. (Emphasis added).

More recently in *DaCosta v. Laird, supra*, 471 F.2d at 1151, the Court of Appeals dealt with the question "whether within the context of a lawful war, the President's order to mine the harbors of North Vietnam was properly authorized." It held in that instance (at p. 1155) that judges could not determine "whether a specific military operation constitutes an 'escalation' of the war or is merely a new tactical approach within a continuing strategic plan." However, it added (at p. 1156):

In so stating, however, we specifically do not pass on the point urged by appellant whether a radical change in the character of war operations—as by an intentional policy of indiscriminate bombing of civilians without any military objective—might be sufficiently measurable judicially to warrant a court's consideration, i.e.,

might contain a standard which we "seek in this record and do not find.

The court finds no evidence of intentional bombing of civilians, but the mining of North Vietnam harbors was a part of the war in Vietnam. If bombing in Cambodia is not part of the war in Vietnam, there may be a standard available here which the Court of Appeals did not find in *DaCosta*.

Therefore the manageable standard which this court must apply is the existence of Congressional authority for the present bombing activities over Cambodia, now that American forces have been withdrawn and prisoners of war have been repatriated. In order to be entitled to relief, plaintiffs must show, under this standard, and the test of "continuing mutual participation" set forth in *Orlando*, either that Congress has not participated with the executive in the authorization of the hostilities in Cambodia or that Congress has terminated any such authorization.

2. *The Extent of Congressional Authorization of Cambodian Hostilities*

Cambodia was not mentioned in any of the appropriations bills referred to in *Berk*. The 1964 appropriations bill for the Department of Defense (P.L. 89-18, 79 Stat. 109) referred to "military activities in Southeast Asia." See 317 F. Supp. at 724. But the Department of Defense Appropriations Act for 1968 (P.L. 90-96, 81 Stat. 231, 248, § 639(a)) made appropriations available to support only

(1) Vietnamese and other free world forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs;

and subsequent authorization and appropriations bills used similar language. See 317 F.Supp. at 726-27.

Ever since the hostilities in Cambodia were announced by the President in April 1970, the appropriations bills have all contained the Fulbright proviso forbidding military support to the government of Cambodia, except in support of

actions to insure the safe withdrawal of American forces or to aid in the release of prisoners of war. *Supra*, p. 555.

The Mansfield amendment referred also to the desirability of an accounting for all Americans missing in action, but this was only in relation to the establishment of a final date for withdrawal of United States military forces from Indochina. *Supra*, pp. 555-556. No Congressional purpose or authorization has been shown for the bombing of Cambodia in aid of persons missing in action, after all known prisoners of war have been released. Other actions by Congress specifically denied any commitment by the United States to Cambodia in its defense (*supra*, pp. 555-556), and the Defense Appropriation Act for 1972, approved a month after the Mansfield amendment, referred only to the withdrawal of United States forces and the release of prisoners of war. *Supra*, pp. 556-557.

The defendants point to the language in the Foreign Assistance Act of 1971, Section 655(d), excluding members of the armed forces engaged in air operations over Cambodia from the limitation on United States personnel in Cambodia, as an authorization for continued bombing. However, the Senate report concerning this bill indicates that the authorization was intended to be correlative with the Fulbright proviso, for it stated (Sen.Rep.No. 92-431, Nov. 8, 1971):

Section 655 specifically excepts all combat air operations over Cambodia from this ceiling. This exception covers all United States and South Vietnamese combat air operations as well as combat air operations by other countries which involve the expenditure of U.S. funds. This exception is included because of the view of some Committee members that monetary limitations on air operations in Cambodia might jeopardize the continuing withdrawal of U.S. forces from Vietnam.

U.S.Code Cong. & Admin.News, 1972, p. 1897.

Any inference flowing from the negatively phrased exception in Section 656 of the same act would be too indirect a route for Congress to express its will to continue a bombing operation which it had repeatedly questioned. The court does not find such authorization in the Foreign Assistance Act.

The documents described in the statement of facts indicate that Congress did not acquiesce in the Presidential statements that the Indochina war was all of one piece, but rather gave only limited authorization for continued hostilities in Cambodia.

[3] Applying principles of the law of agency, as this court did in the *Berk* case, 317 F.Supp. at 728, it is the usual rule that the principal (Congress) may limit the duration of any authorization which it gives to the agent (the Executive). Section 38 of the Agency Re-statement of the Law, Second (1958) states:

§ 38. Interpretation as to Duration of Authority

Authority exists only during the period in which, from the manifestations of the principal and the happening of events of which the agent has notice, the agent reasonably believes that the principal desires him to act.

In considering the continued bombing of Cambodia, the removal of American forces and prisoners of war from Vietnam represents a basic change in the situation, which must be considered in determining the scope and duration of any Congressional authorization. The bombing of Cambodia in July 1973 is not "the sort of tactical decision traditionally confided to the Commander-in-Chief in the conduct of armed conflict," as once described by then Assistant Attorney General Rehnquist. Rehnquist, *The Constitutional Issues, Administrative Position in 3 Falk, The Vietnam*

War and International Law, 163, 173 (1972).

[4] The Congressional action before and after the beginning of hostilities in Cambodia does not include authorization to bomb Cambodia in order to achieve a Cambodian cease-fire or even to protect the Vietnamese cease-fire as urged by defendants. The extent of the power granted by Congress depends on the language used by Congress, not on the President's statements to Congress.

[5, 6] An emergency does not create power unless Congress has granted it. *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 629, 72 S.Ct. 863, 886, 96 L.Ed. 1153 (1952). The Constitution provides (Article II, Section 3) that the President shall recommend to the Congress "such Measures as he shall deem necessary and expedient," and that "he shall take Care that the Laws be faithfully executed." Non-action by Congress does not constitute an implied grant of power. *Greene v. McElroy*, 360 U.S. 474, 79 S.Ct. 1400, 3 L.Ed.2d 1377 (1959).

The question here is not the one posed by the government, whether aerial action in Cambodia is the termination of a continuing war or the initiation of a new and distinct war; but whether Congress has authorized bombing in Cambodia after the withdrawal of American troops from Vietnam and the release of prisoners of war.

3. *The Effect of the July 1, 1973 Proviso*

Authority to bomb Cambodia was not granted by the provisions adopted by both Houses of Congress on June 29, 1973 and signed by the President on July 1, 1973, forbidding any expenditure of funds in connection with hostilities over Cambodia after August 15, 1973. This is made clear by the statements of Senator Fulbright and others during the debate in the Senate, where Senator Fulbright stated:

The acceptance of an August 15 cut off date should in no way be inter-

preted as recognition by the committee of the President's authority to engage U.S. forces in hostilities until that date. The view of most members of the committee has been and continues to be that the President does not have such authority in the absence of specific congressional approval.

119 Cong.Rec. S 12560 (daily ed. June 29, 1973).

He reiterated this point in colloquy with Senator Eagleton:

MR. EAGLETON: I want to inquire as to what this resolution includes. What does it prevent within the next 45 days? Does it permit continued bombing between now and August 15?

MR. FULBRIGHT: As I have said, I do not regard him as having the right to do this. He has the power to do it. And unless we have something like this, the only sanction we have here is to impeach him. And I do not think that is practical. I do not recommend it. I know of no other alternative.

MR. EAGLETON: Would it permit the bombing of North and South Vietnam until August 15?

MR. FULBRIGHT: I do not think it is legal or constitutional. But whether it is right to do it or not, he has done it. He has the power to do it because under our system there is not any easy way to stop him.

I do not want my statement to be taken to mean that I approve of it or think that it is constitutional or legal for him to do it. He can do it. He has done it. Do I make myself clear?

MR. EAGLETON: In a way yes, and in a way no. If we adopt this resolution, the President will continue to bomb Cambodia. That means quite simply that we will sanction it, does it not?

MR. FULBRIGHT: We do not sanction it. It does not mean that we approve of the bombing. This is the best way to stop it. I have never ap-

proved of it. And I do not wish my answer to indicate that I approve of the bombing, because I do not.

MR. EAGLETON: But the President will exercise a power to bomb in Indo-China within the next 45 days, is that correct? A power that will now be sanctioned by our action?

MR. FULBRIGHT: The President has the power to do a lot of things of which I do not approve.

MR. EAGLETON: He will exercise that power, and whether he exercises that power wisely, we know that within the next 45 days he will exercise a right to bomb Cambodia—a right given him by the Congress of the United States.

MR. FULBRIGHT: I do not consider that he has the right to do it.

119 Cong.Rec. S 12562 (daily ed. June 29, 1973).

This is not a situation where the views of a few members of Congress, holding attitudes antithetical to the majority, are being proffered to defeat what Congress had intended to be a grant of authority. There is no indication of a contrary majority sentiment. Majorities in both Houses had previously made plain that they were opposed to any continuation of bombing in Cambodia, and they included an August 15 cut-off date merely in order to avoid the veto which had met their earlier efforts.

[7, 8] The defendants urge that Congress' will as expressed through bills which were not enacted cannot be used as a factor in interpreting the July 1 legislation. But this contention misconstrues the basic issue. The question is not whether Congress has affirmatively acted to disavow participation, but whether Congress has acted to authorize the continuation of hostilities in Cambodia. While Congress can exercise its war-making power through measures other than an express declaration of

war, courts should not easily infer the exercise of such a grave responsibility. Legislative history as evidenced through bills that were vetoed is relevant to a judicial inquiry of whether or not Congress intended to participate in the military campaign under challenge.

It cannot be the rule that the President needs a vote of only one-third plus one of either House in order to conduct a war, but this would be the consequence of holding that Congress must override a Presidential veto in order to terminate hostilities which it has not authorized.

In order to avoid a constitutional crisis that would have resulted in a temporary shutdown of vital federal activities (including issuance of monthly Social Security checks), due to lack of funds for the new fiscal year, Congress agreed to hold off any action affirmatively cutting off funds for military purposes until August 15, 1973.

This does not reach the question whether such activities had previously been authorized.

The period from now until August 15 is relatively short, the court necessarily having taken several weeks in studying the matter and preparing this memorandum. However, the court cannot say that the Cambodian and American lives which may be lost during the next three weeks are so unimportant that it should defer action in this case still further.

There are no disputed issues of material fact. The issues relate to the interpretation of Congressional acts.

[9] Even if part of the fighting in Cambodia is being conducted by North Vietnamese troops rather than by Khmer insurgents, the court has found that there is no Congressional authorization to fight in Cambodia after the withdrawal of American troops and the release of American prisoners of war. Even though the executive and the military may consider Cambodian bombing

an effective means of enforcing paragraph 20 of the Paris Agreement of January 27, 1973, it does not appear that Congress has given its authority for such acts.

There is no indication that any of the classified information mentioned by the government will affect the interpretation of the Congressional acts or that the testimony of the officials suggested as witnesses will do so. The reasons which may have led the executive to continue bombing in Cambodia are not decisive, in the absence of continuing authority from Congress to do so.

There is nothing in the case of *Gilligan v. Morgan*, — U.S. —, 93 S.Ct. 2440, 37 L.Ed.2d 407 (1973) cited to the court during the typing of the opinion, which is contrary to what has been written above. The Supreme Court in *Gilligan* held that it would be inappropriate for a judge to evaluate the appropriateness of the "training, weaponing and orders" of the Ohio National Guard and establish standards to control the actions of the National Guard. Pp. —, —, 93 S.Ct. 2440. What is involved in this case is not the training or tactics of American forces, but whether Congress has authorized the Cambodian bombing. That question is capable of judicial resolution, under the cases cited above, by applying traditional processes of statutory construction.

The court will therefore permit the addition of Captain Donald E. Dawson as plaintiff, and will grant summary judgment for declaratory and equitable relief as set forth in the accompanying judgment, but will postpone the effective date of the injunction until Friday in order to permit the defendants to apply for a stay from the Court of Appeals.

It is ordered that Captain Donald E. Dawson be added as a plaintiff, that plaintiffs have leave to file and serve a second amended complaint in the form proposed, and that the caption be amended accordingly.

Marvin Ray SPARROW et al., Plaintiffs,
v.
J. C. GOODMAN, Jr., Chief of Police
of Charlotte, North Carolina,
et al., Defendants.
No. 2988.

United States District Court,
W. D. North Carolina,
Charlotte Division.
July 31, 1973.

Class action seeking damages and injunctive relief was brought against various state and federal law enforcement officials on behalf of United States citizens who were on October 15, 1971, or who might in the future, in Charlotte, North Carolina, or other places, be arbitrarily excluded from general presence of President of the United States at public gatherings because of their dress or wearing their hair differently or because of exercising their rights to freedom of speech, press and religion, to peaceful assembly, to petition for redress of grievances and to be secure from unreasonable searches or seizures without probable cause or without judicial approval because of their being suspected of belonging to some of such categories or being sympathetic with persons in such categories. On claims of executive and Fifth Amendment privileges and on motions of the federal defendants for summary judgment and for dismissal, the District Court, McMillan, J., held that class action requisites were present, that evidence failed to establish that presidential safety justified defendants' actions and that questions of fact existed as to existence of defendants' good faith, absence of legal motive and reasonableness of belief, precluding summary judgment. The Court further held that defendants, pending further order of court, would be enjoined from discriminatorily arresting or detaining, or keeping from the general public presence of the President of the United States, plaintiffs and others similarly

Elizabeth HOLTZMAN, Individually and in her capacity as a member of the United States House of Representatives, et al., Plaintiffs-Appellees,

v.

James R. SCHLESINGER, Individually and as Secretary of Defense, et al., Defendants-Appellants.

No. 1132, Docket 73-2094.

United States Court of Appeals,
Second Circuit.

Argued Aug. 8, 1973.

Decided Aug. 8, 1973.

Appeal was taken from judgment of the United States District Court for the Eastern District of New York, Orrin G. Ladd, J., 361 F.Supp. 553, supplementing opinion at 361 F.Supp. 544, and granting declaratory and injunctive relief against the continuation of bombing and other military activities in Cambodia. The Court of Appeals, Mulligan, Circuit Judge, held that challenge to the legality of such activities presented a political and not a justiciable question.

Reversed and remanded with instructions to dismiss complaint.

Oakes, Circuit Judge, filed a dissenting opinion.

See also, 94 S.Ct. 11.

1. Constitutional Law ⇨68(1)

Question of legality of bombing and other military activities in Cambodia after removal of American forces and prisoners of war from Vietnam was a political and not a justiciable question, and the strictures of the political question doctrine could not be avoided by resort to the law of agency and finding that Congress was the principal and the President an agent or servant. Act of Nov. 17, 1971, § 601(a)(1, 2), 85 Stat. 30.

2. War and National Defense ⇨9

Assuming that issue of legality of bombing in Cambodia was justiciable, congressional appropriation legislation

was sufficient to authorize the same until August 15, 1973, despite contention that such legislation was "coerced" by presidential veto. Act of July 1, 1973, 87 Stat. 99, 130; Act of Nov. 17, 1971, § 601(a)(1, 2), 85 Stat. 430; U.S.C.A. Const. art. 1, § 7, cl. 2.

3. Statutes ⇨217.4

Where statute is not ambiguous, resort to legislative history is unjustified.

4. Statutes ⇨217.3

Resort to legislative materials in construing statute is not permissible where they are contradictory or ambiguous.

5. Constitutional Law ⇨42.3(1, 3)

Neither servicemen nor congresswoman had standing to challenge legality of bombing in Cambodia, where the former has been relieved of any military obligation to fight in Cambodia, despite alleged danger of recurrent violation, and where the latter had not been denied any right to vote on issues with respect to Cambodia.

6. Constitutional Law ⇨69

Claim that establishment of illegality of bombing in Cambodia would be relevant in possible impeachment proceedings against the President in effect asked the judiciary for an advisory opinion, which is forbidden by the "case and controversy" conditions set forth in the Constitution. U.S.C.A. Const. art. 3, § 2.

Burt Neuborne, New York City (Leon Friedman, American Civil Liberties Union, New York City, Norman Siegel and Paul G. Chevigny, New York Civil Liberties Union, New York City, of counsel), for plaintiffs-appellees.

James Dunlop Porter, Jr., Asst. U. S. Atty., Chief, Civil Div., Brooklyn, N. Y. (Robert A. Morse, U. S. Atty., E.D.N. Y.), for defendants-appellants.

Eric M. Lieberman, New York City (Michael Krinsky, New York City, of counsel), for Parren J. Mitchell, and others, as amici curiae.

Joseph F. McDonald, New York City, for The Lawyers Committee to End the War and Certain Individuals as amici curiae.

Before MULLIGAN, OAKES and TIMBERS, Circuit Judges.

MULLIGAN, Circuit Judge:

This is an appeal from a judgment of the United States District Court, Eastern District of New York, Hon. Orrin G. Judd, District Judge, dated July 25, 1973, 361 F.Supp. 553, granting plaintiffs' motion for summary judgment and providing both declaratory and injunctive relief. The judgment declared that "there is no existing Congressional authority to order military forces into combat in Cambodia or to release bombs over Cambodia, and that military activities in Cambodia by American armed forces are unauthorized and unlawful" The order further enjoined and restrained the named defendants and their officers, agents, servants, employees and attorneys "from participating in any way in military activities in or over Cambodia or releasing any bombs which may fall in Cambodia." The effective date of the injunction was postponed until 4:00 o'clock on July 27, 1973 to provide the defendants with an opportunity to apply to this court for a stay pending appeal. A panel of this court heard oral argument on the stay on the morning of July 27, 1973 and unanimously granted defendants' motion for a stay, setting the time for argument of the appeal on August 13, 1973 which was the first day of sitting of the next panel of this court. The parties were given leave to move for further expedition of the appeal. Plaintiffs then made application to Mr. Justice Marshall of the Supreme Court, Circuit Justice for the Second Circuit, for a vacatur of the stay. Mr. Justice Marshall denied the application to vacate the stay on August 1, 1973 writing an opinion in which he noted that either side could further advance the date of the argument before this court, — U.S. —, 94 S.Ct. 1, 37

L.Ed.2d —. On the motion of plaintiffs, not opposed by defendants, the court on August 1st further accelerated argument of the appeal to August 3, 1973. On August 2, 1973, plaintiffs made application to Mr. Justice Douglas to vacate the stay and on August 4, 1973, he issued an opinion and order vacating the stay entered by this court. — U.S. —, 94 S.Ct. 8, 37 L.Ed.2d —. Late in the afternoon of August 4, 1973, Mr. Justice Marshall reinstated the stay announcing that he had polled the other members of the Supreme Court and that they were unanimous in overruling the order of Mr. Justice Douglas. — U.S. —, 94 S.Ct. 11, 37 L.Ed.2d —. On August 3, 1973, after a hearing before Mr. Justice Douglas, plaintiffs petitioned this court for an *en banc* hearing of this appeal. By order dated August 6th this motion was denied by the unanimous vote of the five active judges of this court who could be readily contacted. In view of the admonition of Mr. Justice Marshall that it is in the public interest that the issues herein be resolved as expeditiously as possible, the convening of this court *en banc* could only have delayed a hearing on the merits.

The argument of this appeal was heard on August 8th and to further speed any further appellate review this court filed its judgment in the late afternoon of that day, reversing the judgment below and dismissing the complaint. Judge Oakes dissented. We announced that opinions would promptly follow so that if the Supreme Court do entertain an appeal it might have the benefit of the views of the panel. Even though the exigencies of time precluded the articulation of the majority view as elaborately or completely as might otherwise be appropriate in a case of this significance, it nonetheless represents our considered and deliberate opinion.

I

[1] At the outset, as the parties agreed below and on the argument of appeal, we should emphasize that we are

not deciding the wisdom, the propriety or the morality of the war in Indo-China and particularly the on-going bombing in Cambodia. This is the responsibility of the Executive and the Legislative branches of the government. The role of the Judiciary is to determine the legality of the challenged action and the threshold question is whether under the "political question" doctrine we should decline even to do that. Ever since *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 2 L.Ed. 60 (1803) the federal courts have declined to judge some actions of the Executive and some interaction between the Executive and Legislative branches where it is deemed inappropriate that the judiciary intrude. It is not possible or even necessary to define the metes and bounds of that doctrine here. The most authoritative discussion of the subject is found in Mr. Justice Brennan's opinion in *Baker v. Carr*, 369 U.S. 186, 82 S.Ct. 691, 7 L.Ed. 2d 663 (1962) which elaborated criteria that have since guided this court in determining whether a question involving the separation of powers is justiciable or is a political question beyond our purview. In *Orlando v. Laird*, 443 F.2d 1039 (2d Cir.), cert. denied, 404 U.S. 869, 92 S.Ct. 94, 30 L.Ed.2d 113 (1971), this court held that the question of whether or not Congress was required to take some action to authorize the Indo-China war was justiciable under *Baker v. Carr*, *supra*, since there was present a judicially discoverable and manageable issue. See *Coleman v. Miller*, 307 U.S. 433, 454-455, 59 S.Ct. 972, 83 L.Ed. 1385 (1939). On the basis of evidence produced at the hearings in the district court, this court found Congressional authorization in support of the military operations in Southeast Asia from the beginning, relying on the Tonkin Gulf Resolution of August 10, 1964, plus continuing appropriation bills providing billions of dollars in support of military operations as well as the extension of the Military Selective Service Act. We were careful to note:

Beyond determining that there has been *some* mutual participation between Congress and the President, which unquestionably exists here, with action by the Congress sufficient to authorize or ratify the military activity at issue, it is clear that the constitutional propriety of the means by which Congress has chosen to ratify and approve the protracted military operations in Southeast Asia is a political question. *Id.*, 443 F.2d at 1043 (emphasis in original).

It is significant that the court noted that the Tonkin Gulf Resolution of August 10, 1964 had since been repealed on December 31, 1970.

In *Da Costa v. Laird*, 448 F.2d 1368 (2d Cir. 1971), cert. denied, 405 U.S. 979, 92 S.Ct. 1193, 31 L.Ed.2d 255 (1972), this court specifically rejected the contention that the repeal by Congress of the Tonkin Gulf Resolution removed the Congressional authorization previously found sufficient in *Orlando*. We noted:

As the constitutional propriety of the means by which the Executive and the Legislative branches engaged in mutual participation in prosecuting the military operations in Southeast Asia, is, as we held in *Orlando*, a political question, so the constitutional propriety of the method and means by which they mutually participate in winding down the conflict and in disengaging the nation from it, is also a political question and outside of the power and competency of the judiciary. *Id.* at 1370.

The most recent holding of this court now pertinent is *Da Costa v. Laird*, 471 F.2d 1146 (1973) where an inductee urged that the President's unilateral decision to mine the harbors of North Vietnam and to bomb targets in that country constituted an escalation of the war, which was illegal in the absence of additional Congressional authorization. Judge Kaufman found that this was a political question which was non-justici-

able, recognizing that the court was incapable of assessing the facts. He stated in part:

Judges, deficient in military knowledge, lacking vital information upon which to assess the nature of battlefield decisions, and sitting thousands of miles from the field of action, cannot reasonably or appropriately determine whether a specific military operation constitutes an "escalation" of the war or is merely a new tactical approach within a continuing strategic plan. What if, for example, the war "de-escalates" so that it is waged as it was prior to the mining of North Vietnam's harbors, and then "escalates" again? Are the courts required to oversee the conduct of the war on a daily basis, away from the scene of action? In this instance, it was the President's view that the mining of North Vietnam's harbors was necessary to preserve the lives of American soliders (*sic*) in South Vietnam and to bring the war to a close. History will tell whether or not that assessment was correct, but without the benefit of such extended hindsight we are powerless to know.

We fail to see how the present challenge involving the bombing in Cambodia is in any significant manner distinguishable from the situation discussed by Judge Kaufman in *Da Costa v. Laird*. Judge Judd found that the continuing bombing of Cambodia, after the removal

of American forces and prisoners of war from Vietnam, represents "a basic change in the situation: which must be considered in determining the duration of prior Congressional authorization." He further found such action a tactical decision not traditionally confided to the Commander-in-Chief. These are precisely the questions of fact involving military and diplomatic expertise not vested in the judiciary, which make the issue political and thus beyond the competence of that court or this court to determine. We are not privy to the information supplied to the Executive by his professional military and diplomatic advisers and even if we were, we are hardly competent to evaluate it. If we were incompetent to judge the significance of the mining and bombing of North Vietnam's harbors and territories, we fail to see our competence to determine that the bombing of Cambodia is a "basic change" in the situation and that it is not a "tactical decision" within the competence of the President. It is true that we have repatriated American troops and have returned American ground forces in Vietnam but we have also negotiated a cease fire and have entered into the Paris Accords which mandated a cease fire in Cambodia and Laos. The President has announced that the bombing of Cambodia will terminate on August 15, 1973 and Secretary of State Rogers has submitted an affidavit to this court¹ providing the justification for

1. Affidavit of William P. Rogers
Washington,
District of Columbia; ss.

William P. Rogers, being duly sworn, deposes and says as follows:

1. In my capacity as Secretary of State of the United States of America, I have knowledge of and responsibility for the conduct of the foreign relations of the United States, including relations with the Government of Cambodia.

2. It is my understanding that on July 25, 1973, the United States District Court for the Eastern District of New York in the case of *Holtzman et al v. Schlesinger et al*, ordered the cessation of further military activities by United States armed forces in Cambodia and that this order was stayed by

the United States Court of Appeals for the Second Circuit. It is my judgment, that if that stay were not continued, the District Court's order would cause irreparable harm to the United States, to the conduct of our foreign relations, and to the protection of United States nationals in Cambodia.

3. In the conduct of United States relations with Cambodia, the American Ambassador in Phnom Penh has communicated to the Cambodian Government the fact of the enactment on July 1, 1973 of Public Law 93-50 (87 Stat. 99) and Public Law 93-52 (87 Stat. 130). Our Ambassador has further informed the Cambodian Government that the United States Government interprets the aforesaid public laws as requiring a cessation of all combat activities in Cam-

our military presence and action until that time. The situation fluctuates daily and we cannot ascertain at any fixed time either the military or diplomatic status. We are in no position to determine whether the Cambodian insurgents are patriots or whether in fact they are inspired and manned by North Vietnam Communists. While we as men may well agonize and bewail the horror of this or any war, the sharing of Presidential and Congressional responsibility particularly at this juncture is a bluntly political and not a judicial question.

We think the comments of Judge Wyanski writing for a unanimous Court

of Appeals panel in the District of Columbia are particularly apt here:

Whether President Nixon did so proceed [to end the war] is a question which at this stage in history a court is incompetent to answer. A court cannot procure the relevant evidence: some is in the hands of foreign governments, some is privileged. Even if the necessary facts were to be laid before it, a court would not substitute its judgment for that of the President, who has an unusually wide measure of discretion in this area, and who should not be judicially condemned except in a case of clear abuse

Bolivia by the armed forces of the United States on and after August 15, 1973.

4. In consequence of the enactment of the aforesaid public laws, intensive planning has been undertaken within the United States Government and between representatives of the American and Cambodian Governments. As a result, plans have been developed which include:

(i) emergency increases in the levels of the Cambodian armed forces;

(ii) accelerated deliveries and distribution during the first two weeks in August of military equipment, especially aircraft and related spare parts, pursuant to the United States Military Assistance Program;

(iii) accelerated deliveries and distribution during this same period of food stuffs, medical supplies and other items for humanitarian relief of the Cambodian population.

The redeployment of Cambodian armed forces, and in some cases civilians whom these forces are protecting, from exposed positions to positions where they can defend themselves and be resupplied in the absence of United States combat air support on and after August 15, 1973.

5. All of the above-described plans are for the purpose of improving the Government of Cambodia's self-defense capability through assistance programs approved by the Congress and the President. All of these plans have been premised upon an assumption of continued United States combat air support for the Cambodian armed forces through August 14, 1973. On the basis of the information available to me, it is my judgment that the absence of such air support prior to that date would permit hostile military forces to disrupt those plans and would expose United States military and civilian personnel who are responsible for their implementation, to grave risk of personal injury or death.

6. Moreover, in view of this close cooperation and planning between the United States and the Cambodian Government, and considerable reliance placed by the Cambodian Government on this agreed timing, any premature and unilateral cessation of needed air support by the United States would be seen by the Government of Cambodia and by many other governments as a breach of faith by the United States and would seriously undermine the credibility of the United States and impair the conduct of our foreign relations.

7. Quite apart from the question of timing, the order of the District Court, in enjoining "military activities" might well be construed more broadly than the prohibitions against "combat activities" contained in the above-mentioned public laws and thereby could be deemed to preclude such activities as the use of United States armed forces to evacuate United States diplomatic personnel and other United States nationals from Cambodia should this be required at any future time, even after United States combat activities in Cambodia have ceased.

8. The specific consequences as described herein of a failure to stay the District Court's order would constitute irreparable harm to the conduct of the foreign relations of the United States by imperiling the ability of the Government of Cambodia to prepare for assuming full responsibility for its defense, by imperiling the safety of United States nationals in Cambodia, and by undermining the credibility of the United States. In a broader sense, the efforts of the United States to achieve a stable peace in Indochina would be undermined and the cease-fire agreements presently in effect in Vietnam and Laos would be gravely jeopardized.

/s/ William P. Rogers

amounting to bad faith. Otherwise a court would be ignoring the delicacies of diplomatic negotiation, the inevitable bargaining for the best solution of an international conflict, and the scope which in foreign affairs must be allowed to the President if this country is to play a responsible role in the council of the nations. *Mitchell v. Laird*, 476 F.2d 533, 538 (1973).

The court below and our dissenting Brother assume that since American ground forces and prisoners have been removed and accounted for, Congressional authorization has ceased as determined by virtue of the so-called Mansfield Amendment, P.L. 92-156, 85 Stat. 430, § 601. The fallacy of this position is that we have no way of knowing whether the Cambodian bombing furthers or hinders the goals of the Mansfield Amendment. That is precisely the holding of *Da Costa v. Laird*, *supra*, 471 F.2d at 1157. Moreover, although § 601(a)(1) of the Amendment urges the

President to remove all military forces contingent upon release of American prisoners, it also in § 601(a)(2) urges him to negotiate for an immediate cease-fire by all parties in the hostilities in *Indo-China*. (Emphasis added). In our view, the return and repatriation of American troops only represents the beginning and not the end of the inquiry as to whether such a basic change has occurred that the Executive at this stage is suddenly bereft of power and authority. That inquiry involves diplomatic and military intelligence which is totally absent in the record before us, and its digestion in any event is beyond judicial management. The strictures of the political question doctrine cannot be avoided by resort to the law of agency as the court did below, finding the Congress the principal and the President an agent or servant.² Judicial *ipse dixit* cannot provide any proper basis particularly for the injunctive relief granted here which is unprecedented in American Jurisprudence.³

2. The resort of the court below to the Second Restatement of Agency § 38, promulgated by the American Law Institute, is indeed inapposite. Aside from its introductory Scope Note (p. 2) which disclaims the Restatement's applicability to public officers, the denomination of the Congress as the Principal and the President as the Agent in the conduct of hostilities is overly simplistic. It ignores the President's role as Commander-in-Chief, and his primacy in foreign relations, particularly in achieving the peace. See Wallace, *The War Making Powers: A Constitutional Flaw?* 57 Cornell L.Rev. 719, 744 (1972). It is perhaps significant that the Constitutional Convention explicitly rejected a proposal that the Constitution provide the Congress with the power to declare peace as well as war, and carefully noted that the conduct of war "was an Executive function." 2 M. Farrand, *Records of the Federal Convention of 1787*, at 313, 319 & n.* (rev. ed. 1937).

3. To date no other federal court has attempted to halt American involvement in hostilities in Southeast Asia. Our own court as well as the First Circuit has concluded that the war-implementing legislation passed by Congress was sufficient authorization. *Da Costa v. Laird*, 443 F.2d 1368 (2d Cir. 1971), cert. denied, 405 U.S. 979,

92 S.Ct. 1193, 31 L.Ed.2d 255 (1972); *Orlando v. Laird*, 443 F.2d 1039 (2d Cir.), cert. denied, 404 U.S. 869, 92 S.Ct. 94, 30 L.Ed.2d 113 (1971), aff'g 317 F.Supp. 1013 (E.D.N.Y.1970) and *Berk v. Laird*, 317 F.Supp. 715 (E.D.N.Y.1970) (Judd, J.); *Massachusetts v. Laird*, 451 F.2d 26 (1st Cir.), aff'g 327 F.Supp. 373 (D.Mass.1971). Numerous courts have dismissed suits challenging American involvement on the ground that a "political question" was involved. *Mitchell v. Laird*, 476 F.2d 533 (D.C.Cir. 1973); *Da Costa v. Laird*, 471 F.2d 1146 (2d Cir. 1973); *Mora v. McNamara*, 123 U.S.App.D.C. 297, 387 F.2d 862, cert. denied, 389 U.S. 934, 88 S.Ct. 282, 19 L.Ed.2d 287 (1967); *Luftig v. McNamara*, 126 U.S.App.D.C. 4, 373 F.2d 664, cert. denied, 387 U.S. 945, 87 S.Ct. 2078, 18 L.Ed.2d 1332 (1967) (cf. *Mitchell v. Laird*, *supra*); *Driann v. Nixon*, — F.Supp. — (D.Mass. 1973); *Mitchell v. Richardson*, Cir.No. 939-73 (D.D.C., July 23, 1973), notice of appeal filed, Aug. 1, 1973; *Gravel v. Laird*, 347 F.Supp. 7 (D.D.C.1972); *Atlee v. Laird*, 347 F.Supp. 689 (E.D.Pa.1972), aff'd without opinion, 411 U.S. 911, 93 S.Ct. 1545, 36 L.Ed.2d 304 (1973); *Massachusetts v. Laird*, 327 F.Supp. 373 (D.Mass.), aff'd on other grounds, 451 F.2d 26 (1st Cir. 1971) (but cf. *Mitchell v. Laird*, *supra*); *Davi v. Laird*, 318 F.Supp. 473 (W.

II

Since the argument that continuing Congressional approval was necessary, was predicated upon a determination that the Cambodian bombing constituted a basic change in the war not within the tactical discretion of the President and since that is a determination we have found to be a political question, we have not found it necessary to dwell at length upon Congressional participation. We see no need to address ourselves to the Fulbright provisos discussed in Judge Oakes' opinion since they predate the Paris Accord which places the military stance in Cambodia in such focus that we cannot judge their present efficacy or applicability. In any event we agree with his conclusion that they do not affect American forces which is the issue here. We cannot resist however commenting that the most recent expression of Congressional approval by appropriation, the Joint Resolution Continuing Appropriations for Fiscal 1974 (P.L. 93-52), enacted into law July 1, 1973, contains the following provision:

Sec. 108. Notwithstanding any other provision of law, on or after August 15, 1973, no funds herein or heretofore appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Viet-

nam, South Vietnam, Laos or Cambodia.

[2] Assuming arguendo that the military and diplomatic issues were manageable and that we were obliged to find some participation by Congress, we cannot see how this provision does not support the proposition that the Congress has approved the Cambodian bombing. The statute is facially clear but its applicability is contested by plaintiffs on several grounds which were essentially adopted by the court below. The argument is made that the Congress didn't really mean what it said because it was coerced by the President who had vetoed Congressional Bills which would have immediately cut off Cambodian funds. Not being able to muster sufficient strength to overcome the veto, the argument runs, the Congress was forced willy nilly to enact the appropriation legislation. Resort is made to the floor debate which it is argued bolsters the view that individual legislators expressed personal disapproval of the bombing and did not interpret the appropriation as an approval to bomb but simply a recognition that it gave the President the power to bomb. It is further urged that since the Constitution entrusts the power to declare war to a majority of the Congress, the veto exercised makes it possible for the President to thwart the will of Congress by holding one-third

D.Va.1970). One might also include cases such as *Sarnoff v. Connally*, 457 F.2d 809 (9th Cir.), cert. denied, 409 U.S. 929, 93 S.Ct. 227, 34 L.Ed.2d 186 (1972), and *Head v. Nixon*, 342 F.Supp. 521 (E.D.La.), aff'd, 468 F.2d 931 (5th Cir. 1972), where the courts dismissed claims that Congressional appropriations were an unconstitutional delegation of the war-making powers, as involving political questions. See also *Atlee v. Laird*, *supra*. Other suits challenging the legality of the war have been dismissed on other grounds. *Mottola v. Nixon*, 464 F.2d 178 (9th Cir. 1972), rev'g 318 F.Supp. 533 (N.D.Cal.1970) (standing); *Pietsch v. President of the United States*, 434 F.2d 961 (2d Cir. 1970), cert. denied, 403 U.S. 929, 91 S.Ct. 2236, 29 L.Ed.2d 698 (1971) (standing); *Velvet v. Nixon*, 415 F.2d 236 (10th Cir. 1969), cert. denied, 396 U.S. 1042, 90 S.Ct. 634, 24 L.Ed.2d 698 (1970).

aff'g 287 F.Supp. 846 (D.Kan.1968) (standing); *Campan v. Nixon*, 56 F.R.D. 404 (N.D.Cal.1972) (standing); *Gravel v. Laird*, *supra* (political question, standing and sovereign immunity); *Da Costa v. Nixon*, 55 F.R.D. 145 (E.D.N.Y.), aff'd without opinion, 456 F.2d 1335 (2 Cir. 1972).

We find particularly persuasive the scholarly opinion of Judge Adams of the Third Circuit in *Atlee v. Laird*, *supra*, the only case involving the Southeast Asia conflict which the Supreme Court has affirmed. In all other cases where review was sought, certiorari has been denied as this note documents. In *Massachusetts v. Laird*, 400 U.S. 886, 91 S.Ct. 128, 27 L.Ed.2d 130 (1970), the Supreme Court denied the Commonwealth of Massachusetts leave to file an original bill of complaint seeking an adjudication of the constitutionality of the United States role in the Indo-China war.

plus one of the members of either House. We find none of these arguments persuasive.

[3] 1) Since the statute is not ambiguous, resort to legislative history is unjustified. See Mr. Justice Jackson's opinion in *Schwegmann v. Calvert Distillers Corp.*, 341 U.S. 384, 395-396, 71 S.Ct. 745, 95 L.Ed. 1035 (1951).

[4] 2) Resort to legislative materials is not permissible where they are contradictory or ambiguous. *NLRB v. Plasterers' Local, etc.*, 79, 404 U.S. 116, 129 n. 24, 92 S.Ct. 360, 30 L.Ed.2d 312 (1971). A fair reading of the Congressional Record for June 29, 1973 establishes this proposition. Members of Congress Drinan and the plaintiff Holtzman here for example both voted against the measure because it would authorize the bombing until August 15, 1973.

While the court below relied on the colloquy between Senators Eagleton and Fulbright, it inadvertently omitted the following:

Mr. Eagleton. In the light of the legislative history, meaning the statement of former Secretary of Defense Richardson that we will continue the bombing unless the funds are cut off, will we with the adoption of this resolution permit the bombing of Cambodia for the next 45 days? This is the question I pose to the Senator from Arkansas.

Mr. Fulbright. *Until August 15.*

Mr. Eagleton. Would it permit the bombing of Laos?

Mr. Fulbright. It would not prevent it.

4. The dissenting opinion of Judge Oakes, finding no Congressional authorization by appropriation by reason of the secret bombings of Cambodia in 1969 and 1970 as reported in the *New York Times* (which is not in the Record before us any more than the Pentagon Papers were before this court in *Da Costa v. Laird*, *supra*, 448 F.2d at 1370) if anything emphasizes the inability of the judiciary to make reasoned judgments with manageable or discoverable information in foreign relations particularly in time of

119 Cong.Rec. S 12562 (daily ed. June 29, 1973) [Emphasis added].

In sum, even if the legislative history were considered it is at best ambiguous and does not clearly support the theory that the Congress did not mean what it said.

3) We cannot agree that the Congress was "coerced" by the President's veto. There was unquestionably a Congressional impasse resulting from the desire of a majority of Congress to stop bombing immediately and the desire of the President that his discretion be unhampered by an arbitrarily selected Congress. Instead of an acute constitutional confrontation, as Senator Javits noted, "agreement" was reached. (119 Cong. Rec. S 12561 (daily ed. June 29, 1973)). This version of the situation is also the conclusion of Judge Tauro in his opinion of August 8, 1973 (*Drinan v. Nixon*, F.Supp. — (D.Mass.)) which exhaustively studies the record.

4) While the Constitution vests the war declaring authority in the Congress, the Founding Fathers also conferred the veto power upon the President. (Art. I, § 7, cl. 2). The suggestion that the veto power is impotent with respect to an authority vested solely in Congress by the Constitution is unsupported by any citation of authority and is hardly persuasive. It of course assumes here that the Cambodian bombing constitutes a new war requiring a new declaration and that it is not part of the extrication of a long suffering nation from an Indo China war lasting for several years. This again in our view is the nucleus of the issue and we have no way of resolving that question particularly here on motion for summary judgment.*

war. Secrecy in diplomacy and in military strategy during hostilities has been customary since at least the time of the Trojan War. The relationship of the alleged misfeasance here committed and the action of Congress is again a political question. Its propriety in any event is beyond the scope of appropriate judicial scrutiny. See *Proverbs* 20, v. 18 "Designs are strengthened by counsels: and wars are to be managed by governments."

III

[5,6] We finally note, although again not necessary in view of our holding in Part I, our disagreement with our colleague Judge Oakes that any of the parties plaintiff have standing. We have held that mere taxpayer status does not confer standing to litigate the constitutionality of the Indo-China war. *Pietsch v. President of the United States*, 434 F.2d 861 (2d Cir. 1970), cert. denied, 403 U.S. 920, 91 S.Ct. 2236, 29 L.Ed.2d 698 (1971). See *Velvel v. Nixon*, 415 F.2d 236 (10th Cir. 1969), cert. denied, 396 U.S. 1042, 90 S.Ct. 684, 24 L.Ed.2d 686 (1970). See also *Mottola v. Nixon*, 464 F.2d 178 (9th Cir. 1972). In *Berk v. Laird*, 429 F.2d 302, 306 (2d Cir. 1970), we held that a serviceman does have standing if he is under orders to fight in the combat to which he objects. Here none of the servicemen plaintiffs are presently under orders to fight in Cambodia. They have been relieved of any such military obligation and indeed one has been separated from the service. Their present status in our view moots the appeal as to them and we cannot agree that their status is preserved because of the "cognizable danger of recurrent violation" doctrine of *United States v. W. T. Grant Co.*, 345 U.S. 629, 633, 73 S.Ct. 894, 97 L.Ed. 1303 (1953). In view of the termination of the air strikes on August 15, 1973 and their present status, we can perceive of nothing more than the merest possibility that such eventuality will occur. *United States v. W. T. Grant Co.*, *supra*, requires more than this. See *Atherton Mills v. Johnston*, 259 U.S. 13, 42 S.Ct. 422, 66 L.Ed. 814 (1922). Neither do we see any adequate support for the standing of Representative Holtzman. She has not been denied any right to vote on Cambodia by any action of the defendants. She has fully participated in the Congressional debates which have transpired since her election to the Congress. The fact that her vote was ineffective was due to the contrary votes of her colleagues and not the defendants herein. The claim that the es-

tablishment of illegality here would be relevant in possible impeachment proceedings against the President would in effect be asking the judiciary for an advisory opinion which is precisely and historically what the "case and controversy" conditions set forth in Article III, Section 2 of the Constitution forbid. See *Correspondence of the Justices* (1793), reprinted in part in H. Hart & H. Wechsler, *The Federal Courts and the Federal System* 64-66 (2d ed. P. Ba-tor et al. 1973). The judgment sought could hardly have any subsequent binding effect on those who have the responsibility for such a measure. Its effect on the named defendants would be clearly academic and moot since they have no interest in controverting it.

The judgment is reversed and the case is remanded with instructions to dismiss the complaint. The mandate shall issue forthwith.

OAKES, Circuit Judge (dissenting):

I believe there is standing for Congresswoman Holtzman under *Baker v. Carr*, 369 U.S. 186, 207-208, 82 S.Ct. 691, 7 L.Ed.2d 663 (1962) and *Coleman v. Miller*, 307 U.S. 433, 437-446, 59 S.Ct. 972, 83 L.Ed. 1385 (1939). I believe there is standing for the airmen-appellees under *Berk v. Laird*, 429 F.2d 302 (2d Cir. 1970) and *Massachusetts v. Laird*, 451 F.2d 26, 29 (1st Cir. 1971) which has not been mooted by their return to the United States. *United States v. W. T. Grant Co.*, 345 U.S. 629, 632, 73 S.Ct. 894, 97 L.Ed. 1303 (1953).

I believe there is justiciability under *Da Costa v. Laird*, 471 F.2d 1146, 1156 (2d Cir. 1973), (*Da Costa III*) where the question "whether a radical change in the character of war operations . . . might be sufficiently measurable judicially to warrant a court's consideration . . ." was expressly reserved. There is here "a manageable standard" under *Da Costa III* and *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 72 S.Ct. 863, 96 L.Ed. 1153 (1952), since there has been such a

"radical change in the character of war operations." The Defense Department is continuing to bomb in Cambodia despite the cease-fire in Vietnam and despite the return of our prisoners of war from North Vietnam. The justiciable question then is whether there is any Constitutional authorization for the employment of United States armed forces over Cambodia, now that the war in Vietnam has come to an end. There is no question under the law of this Circuit, *Orlando v. Laird*, 443 F.2d 1039, 1042 (2d Cir.), cert. denied, 404 U.S. 869, 92 S.Ct. 94, 39 L.Ed.2d 113 (1971), that the Executive lacks unilateral power to commit American forces to combat absent a "belligerent attack" or "a grave emergency." See *Mitchell v. Laird*, 476 F.2d 533 (D.C.Cir. 1973).

Has Congress ratified or authorized the bombing in Cambodia by appropriations acts or otherwise? Congress can confer power on the Executive by way of an appropriations act. *Fleming v. Mohawk Wrecking & Lumber Co.*, 331 U.S. 111, 116, 67 S.Ct. 1129, 91 L.Ed. 1375 (1947) (creation of new agency by Executive Order ratified by appropriation). And this Circuit has expressly held that congressional authorization for the war in Vietnam may be found in appropriations acts. *Da Costa v. Laird*, 448 F.2d 1368, 1370 (2d Cir. 1971), cert. denied, 405 U.S. 979, 92 S.Ct. 1193, 31 L.Ed.2d 255 (1972) (*Da Costa II*). *Orlando v. Laird*, *supra*, 443 F.2d at 1042.

I do not, moreover, agree with appellees' argument that the Fulbright "proviso" adopted in all of the recent appropriations bills and limiting the use of Defense Department funds to support "Vietnamese or other free world forces in actions designed to provide military support and assistance to the government of Cambodia or Laos," limited all prior authorizations to expenditures for United States forces in Cambodia only in aid in the release of Americans held as prisoners of war. *E. g.*, Armed Forces Military Procurement Act of 1971, Pub.L.No.91-441, § 502(a)(1), 84 Stat. 905 (1970). The language of the

appropriations acts seems to me to differentiate between "other free world forces" and "Armed Forces of the United States," *e. g.*, *id.* § 502(a)(2). The legislative history indicates also, that there is a difference between "other free world forces" and "United States armed forces." Even though the Fulbright proviso did not provide any affirmative grant of authority to the President to use "Armed Forces of the United States" in Cambodia, 119 Cong.Rec. S. 7385 (daily ed. Apr. 13, 1973), Senator Fulbright himself considered the proviso operative only in respect to "South Vietnamese or other foreign military operations in support of the Cambodian or Laotian Governments." *Id.* at S. 7385 (emphasis supplied).

Thus an argument could be made that congressional authorization of appropriations with knowledge of our presence in Cambodia was ratification. But if authorization on the part of Congress is a way of an appropriation to be effective, the congressional action must be based on a knowledge of the facts. *Greene v. McElroy*, 360 U.S. 474, 506-507, 79 S.Ct. 1400, 3 L.Ed.2d 1377 (1959) (appropriation to Defense Department for security program did not ratify procedure denying right of an individual to confront witnesses). I am aware of only one instance in which it has previously been argued that a war was illegal as a result of Congress being misinformed as to the underlying facts surrounding American participation in that war. While the argument was unique and unsuccessful, I believe, however, time has vindicated it, I believe. Furthermore, it was advanced by one whose views are worth consideration, even if they were expressed in "dissent," so to speak. I refer of course to Abraham Lincoln and his argument as a lone Congressman on January 1, 1848, in opposition to our "incursion into Mexico and what later was called the Mexican War. See Cong. Glob. 30th Cong. 1st Sess. 93 et seq. (Appendix 1848).

And here, incredibly enough, it appears that neither the American people

for the Congress, at the time it was voting appropriations in aid of the war in Vietnam, were given the facts pertaining to our bombing in Cambodia. Recent disclosures have indicated that Air Force B-52 bombers were secretly attacking Cambodia in 1969, 1970 and even later while the United States was publicly proclaiming respect for Cambodian neutrality. See N.Y. Times July 17, 1973, at 1; July 18, 1973, at 1, July 22, 1973, Sec. E, at 3; July 24, 1973, at 1; July 25, 1973, at 1; July 29, 1973, at 1; Aug. 3, 1973, at 6; Aug. 9, 1973, at 7.

The government argues that these secret bombings occurred in 1969 and 1970, and ended when our activities in Cambodia became open subsequently. But the Congress whose ratification by way of appropriations acts is contended for here did not become aware of these covert bombings until July of 1973. And meanwhile the Congress had declared in the so-called Mansfield Amendment that it was "the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina" Appropriations Authorization-Military Procurement Act of 1972, Pub.L.No.92-156, § 601, 85 Stat. 423 (92nd Cong., 1st Sess. 1971).

The combination of concealment of the facts from Congress together with the enactment of a policy of "earliest practicable" withdrawal do not amount in my mind to an appropriations carte blanche to the military to carry on bombing in Cambodia after the cease-fire, withdrawal of our troops from Vietnam, and return of our prisoners of war from North Vietnam.

We come then to the effect of the legislation, following upon a presidential veto of an immediate prohibition against the use of funds to bomb in Cambodia, adopted as a compromise this July 1st: the Continuing Appropriations Act for Fiscal Year 1974, Pub.L.No.93-52, 93rd Cong. 2nd Sess. (July 1, 1973) which expressly provided that ". . . on or after August 15, 1973, no funds herein

or heretofore appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos or Cambodia." § 108. In colloquy between Senators Eagleton and Fulbright, inadvertently omitted in the briefs of appellees and the opinion of the lower court, the former inquired whether "the adoption of this resolution [would] permit the bombing of Cambodia" and Senator Fulbright replied, "Until August 15." 119 Cong.Rec. S. 12562 (daily ed. June 29, 1973). Again, in the same colloquy Senator Fulbright, conceding "Presidential power", said that "The President has the power to do a lot of things of which I do not approve," after being asked by Senator Eagleton whether under the resolution the President's "power to bomb in Indochina . . . will now be sanctioned by our action." *Id.* In neither case, however, is there recognition of *legality* or *past authorization*. Senator Fulbright had previously stated, as Judge Judd recognized, that "The acceptance of an August 15 cut off date should in no way be interpreted as recognition by the committee of the President's authority to engage U.S. forces in hostilities until that date. The view of most members of the committee has been and continues to be that the President does not have such authority, in the absence of specific congressional approval." 119 Cong.Rec. S 12560 (daily ed. June 29, 1973).

It can be argued that Congress could, if it had so desired, cut off the funds for bombing Cambodia immediately by overriding the Presidential veto. This was indeed championed by those voting against the ultimate compromise Resolution. But it does not follow that those who voted in favor of the Resolution were thereby putting the Congressional stamp of approval on the bombing continuation. While the Resolution constituted a recognition that Executive power was being exercised, it did not constitute a concession that such exercise was rightful, lawful or constitutional.

It may be that those voting for the Resolution thought that in some way previous appropriations acts or the omission expressly to prohibit a continuation of bombing after the cease-fire and return of our prisoners of war amounted to an authorization, which could only be limited by affirmative congressional action. But as I have previously suggested I cannot find any express congressional authorization for such a continuation of the Cambodian bombing, nor do I think that authorization can be implied from prior appropriations acts. This being true, affirmative action on the part of Congress was not necessary as a matter of constitutional law. An agreement by the Executive to some cut off date was essential, however, because the *legality* of bombing continuation might not be tested or testable for months to come, by the very nature of the judicial process. Therefore, Congress as I see it, took the only practical way out. It acknowledged the reality of the Executive's exercise of power even while it disputed the Executive's authority for that exercise. It agreed to a final cut-off date as the best practical result but never conceded the legality or constitutionality of interim exercise.

Thus the Resolution of July 1, 1973 cannot be the basis for legalization of otherwise unlawful Executive action. We are talking here about the separate branches of government, and in doing so we must distinguish between the exercise of power on the one hand and authorization for such exercise on the other. That the Executive Branch had the power to bomb in Cambodia, there can be no doubt; it did so, and indeed is continuing to do so. Whether it had the constitutional authority for its action is another question.

If we return to fundamentals, as I think we must in the case of any conflict of view between the other two Branches of Government, it will be recalled that the Founding Fathers deliberately eschewed the example of the British Monarchy in which was lodged the authority to declare war and to raise

and regulate fleets and armies. See The Federalist No. 69 (A. Hamilton). Rather, these powers were deliberately given to the Legislative Branch of the new American Republic in Article I, section 8 of the Constitution. See 7 Works of Alexander Hamilton 81 (J. Hamilton ed. 1851), cited in Note, Congress, The President, and The Power to Commit Forces to Combat, 81 Harv.L.Rev. 1773, n. 14 (1968). I fail to see how the Government in its able presentation has failed to point out, where the Congress ever authorized the continuation of bombing in Cambodia after the cease-fire in Vietnam, the withdrawal of our forces there, and the return of our prisoners of war to our shores. Accordingly, I must dissent, and although on a somewhat different analysis would affirm the judgment below.



Whitford A. RICE, Plaintiff-Appellant,

v.

ATLANTIC GULF & PACIFIC CO.
Defendant-Appellee.

No. 8, Docket 73-1151.

United States Court of Appeals,
Second Circuit.

Argued Sept. 24, 1973.

Decided Oct. 9, 1973.

Seaman who was injured in fall from stairs on dredge brought suit against owner on claim that vessel was unseaworthy and that owner was negligent in failing to keep steps clean and oil free. Following verdict in favor of seaman on issue of negligence, owner moved to set aside the verdict and the United States District Court for the Southern District of New York, Robert L. Carter, J., 59 F.R.D. 280, entered judgment n. o. v. in favor of owner and seaman appealed. The Court of Ap

PART 4

SELECTED COPIES AND INDEX OF "OFFICIAL
LETTERS OF PROTEST" FILED WITH THE UNITED
NATIONS BY THE CAMBODIAN GOVERNMENT

in Santa Isabel from Gabon on 2 April in order to make an assessment of the needs of Equatorial Guinea.

762. In a letter dated 8 April (S/9142), addressed to the Secretary-General, the Permanent Representative of Spain stated that the evacuation of the Spanish forces and of the Spanish civilians had been carried out in an orderly and peaceful manner through the agency of Mr. Tamayo and members of his mission, who had at all times been motivated by the highest spirit of impartiality and dedication.

763. In a report dated 14 April 1969 (S/9053/Add.11), the Secretary-General stated that his Rep-

resentative, Mr. Marcial Tamayo, had left Santa Isabel on 9 April and had arrived in New York on 11 April. In a further report dated 5 May (S/9053/Add.12), the Secretary-General stated that the United Nations personnel who had remained in Equatorial Guinea after the departure of his Representative, had left that country on 21 April 1969. With their departure the work of the Mission of his Representative had been completed. The report also stated that in response to requests from the President of Equatorial Guinea, arrangements were being made to provide that country with technical assistance in several fields without delay.

Chapter 13

COMMUNICATIONS RELATING TO COMPLAINTS BY CAMBODIA CONCERNING ACTS OF AGGRESSION AGAINST THE TERRITORY AND CIVILIAN POPULATION OF CAMBODIA

764. During the period under review Cambodia addressed over sixty communications to the President of the Security Council charging the armed forces of the United States and the Republic of Viet-Nam with a series of aggressive actions involving violations of Cambodian territory, air space and territorial waters and demanding that the Governments of the United States and the Republic of South Viet-Nam immediately put an end to those acts.

765. The United States replied to the President of the Security Council that it recognized the sovereignty, independence, neutrality and territorial integrity of Cambodia within its current frontiers. Cambodian charges of violations of its territory had been investigated and responded to through normal diplomatic channels. The main cause of those incidents which did occur was the presence of Viet Cong and North Vietnamese forces in the frontier region and their use of Cambodian territory in violation of that country's neutrality.

766. The Cambodian letters frequently contained complaints that elements of the armed forces of the United States and the Republic of Viet-Nam had fired across the frontiers at Cambodian guard posts, villages and peasants working in their fields or had penetrated Cambodian territory attacking similar targets as well as abducting villagers and planting mines and other booby traps. There were also accusations that airborne elements had perpetrated similar aggressive actions with machine guns, rocket fire and delayed-action bombs and had, on occasion, dropped mines and poisonous chemical products over Cambodian villages and crops. Numerous deaths and injuries, as well as destruction of livestock, houses and other property, were reported as a result of these attacks. There were also complaints that United States and South Viet-Namese naval vessels had penetrated Cambodian territorial waters, firing on Cambodian fishermen and, on occasion, seizing fishing junks and crew members.

767. Some communications reported that at the invitation of the Cambodian Government, the International Control Commission, the military and press attachés of diplomatic missions in Phnom Penh and the representatives of the national and international Press had visited the scene of the attacks referred to and had viewed the effects of the aggression at first hand.

768. By a letter dated 16 July (S/8682), the representative of Cambodia transmitted to the Security Council details and photographs of a reported machine-

gun attack on 29 June by two helicopters of the United States and South Viet-Namese armed forces on the Cambodian village of Svay A Ngong, one kilometre from the Viet-Nam frontier. According to the Cambodian letter, fourteen inhabitants working in the field had been killed in that attack.

769. By a letter dated 31 July (S/8707), the representative of Cambodia transmitted to the Security Council the text of his Government's reply to a note from the United States, transmitted through the Australian Embassy in Phnom Penh, requesting the release of a river vessel of the United States armed forces captured on 17 July along with members of its crew, by a vessel of the Royal Khmer Navy. The Cambodian Government's reply, after rejecting the United States claim that the boat had violated Cambodian territorial waters inadvertently, stated that that was not the first time that the United States had invoked the excuse of navigational error to justify its violation of Cambodian territory. The reply added that the boat and its crew would be dealt with in the manner prescribed by Cambodian law.

770. By a letter dated 13 August (S/8748), the representative of Cambodia transmitted to the Security Council the text of a statement issued by his Government which referred to a report appearing in *The Daily Telegraph* of London on 25 July to the effect that the United States armed forces were contemplating reprisal actions against alleged bases of the National Liberation Front in Cambodia and preparing new measures against Cambodia for providing sanctuary for from nine to ten North Viet-Namese regiments. Cambodia, after rejecting those charges, stated that the contemplated measures against it had no justification at all. The statement added that the reported reprisal actions underscored the intention of the United States to extend the Viet-Nam conflict to neighbouring countries.

771. In a letter dated 27 August (S/8781), the Cambodian representative informed the President of the Security Council that his Government had submitted the question of alleged Viet-Cong sanctuaries to the International Control Commission and had requested it to make an investigation within Cambodian territory in order to determine if the United States charges were true.

772. In a letter dated 10 September (S/8813), the representative of Cambodia transmitted the text of a Cambodian reply to a message from the United States Government in which the latter expressed "deep con-

cern regarding the widespread activity of the Communist Viet-Nameese forces in the South-East of the province of Svay Rient". The Cambodian reply charged the United States with unwarranted interference in relations between Cambodia and South Viet-Nam and asserted that Cambodia, a sovereign State, was not obliged to justify itself to the United States with regard to its neutrality and territorial integrity or with regard to the alleged use of its territory by the Viet-Cong. The statement added that Cambodia was well aware that armed elements of the National Liberation Front, as well as those of the United States special forces, periodically infiltrated into Cambodian territory, but that the existence of permanent Viet-Cong bases in Cambodia was only a myth invented by the United States military authorities to justify the failure of their operations against the Viet-Cong. The statement concluded by asserting that the Cambodian armed forces did not tolerate the presence of any foreign military installations on Cambodian territory and would repel all foreign elements violating Cambodian borders.

773. By a letter dated 30 October (S/SS81), the representative of Cambodia transmitted to the Security Council the text of his Government's reply to two further messages from the United States Government pertaining to the vessel seized on 17 July. The Cambodian note, referring to United States contention that it was customary among States to take immediate measures for the release of a vessel or aircraft and its crew, stated that those measures applied only between States enjoying peaceful coexistence and normal relations based on respect for each other's sovereign rights. Furthermore, the note added, the interned vessel was a military vessel implicated in numerous acts of aggression against Cambodia. A goodwill gesture on the part of Cambodia, involving a release of the vessel, would not be justified unless the United States had admitted its responsibility for the Svay A Ngong attack.

774. In a letter dated 16 December (S/8939), the representative of Cambodia stated that on 16 November three motor-boats of United States-South Viet-Nameese armed forces navigating on the river Giang Thanh had opened fire on Cambodian peasants working in paddies about 200 metres from the Cambodian-South Viet-Nameese frontier. According to the letter nine women and three children were killed in the attack and six other persons were injured.

775. In a letter dated 1 April 1969 (S/9127), the representative of Cambodia complained that five helicopters of the United States-South Viet-Nameese air force had attacked a Cambodian village with machine-gun and rocket fire twice on 11 March, resulting in the deaths of four villagers and the injury of ten persons, five seriously. The letter added that members of the International Control Commission had visited the scene of the attack and transmitted photographs taken during their inquiry.

776. In a letter dated 17 June (S/9263), the representative of Cambodia gave the particulars of damage to Cambodian rubber plantations, crops and forest resources as a result of defoliants dropped by aircraft of the United States Air Force between 19 April and 12 May. The letter added that the defoliants were dropped over an area comprising approximately 85,000 hectares, including over 15,000 hectares of rubber plantations. The total damage to Cambodia's economy was put at \$8,684,810.

777. By a letter dated 11 July (S/9324) addressed to the President of the Security Council, the representative of the United States transmitted the text of a statement by the United States Government of 16 April. The statement declared that the United States, in conformity with the United Nations Charter, recognized and respected the sovereignty, independence, neutrality and territorial integrity of Cambodia within its current frontiers.

778. Referring to Cambodia's charges concerning violations of its territory by United States forces based in the Republic of Viet-Nam, the statement said that the United States had, where appropriate, responded to the Cambodian Government through diplomatic channels. Full investigations of the alleged incidents had been undertaken and the pertinent facts conveyed to the Cambodian Government. In those cases where an intrusion into Cambodian territory by United States forces had appeared to have occurred, the United States Government had taken the appropriate steps of apology and redress. The statement further said that the United States Government had made it clear to the Government of Cambodia that the United States forces had no hostile intentions toward Cambodia or Cambodian territory. The main cause of those incidents which had involved Cambodian territory was the presence of Viet-Cong and North Viet-Nameese forces in the frontier region and their use of Cambodian territory in violation of the neutrality of Cambodia. The statement concluded by asserting that the United States fully shared the concern of the Cambodian Government over violations of its neutrality and territorial integrity from any source whatsoever. For its part, the statement added, the United States Government had taken and intended to continue taking all steps available to it to prevent the spread of the hostilities in Viet-Nam into Cambodia.

779. Listed below are letters other than those already mentioned above, from the representative of Cambodia to the President of the Security Council for the information of the Council.

Letter dated 30 July 1968 (S/8703), charging South Viet-Nameese soldiers with firing smoke bombs, causing toxic effects on the occupants of a Cambodian post.

Letter dated 30 July (S/8704), charging United States-South Viet-Nameese forces with violations of Cambodian air space between 28 May and 8 June 1968.

Letter dated 31 July (S/8706), transmitting the text of a Government statement concerning an attack by United States-South Viet-Nameese aircraft against Cambodian villagers on 10 July.

Letter dated 1 August (S/8712), charging that United States forces had introduced an electronic monitoring system in the Cambodian frontier region.

Letter dated 12 August (S/8745), concerning seizure by the Cambodian Navy on 17 July, of an American vessel and its crew which had violated Cambodian territorial waters.

Letter dated 12 August (S/8746), charging United States-South Viet-Nameese forces with attacks and violations of Cambodian territory between 9 and 30 June.

Letter dated 21 August (S/8763), charging the United States-South Viet-Nameese forces with firing incidents against Cambodian territory between 4 June and 20 July.

- Letter dated 27 August (S/8782), charging United States-South Viet-Nameese forces with firing incidents against Cambodian territory on 19 July and 4 and 10 August.
- Letter dated 4 September (S/8801), charging United States-South Viet-Nameese soldiers with an incursion into Cambodian territory on 4 August.
- Letter dated 10 September (S/8814), charging United States-South Viet-Nameese aircraft with attacks on, and violations of, Cambodian territory between 6 and 12 July.
- Letter dated 16 September (S/8816), charging United States-South Viet-Nameese aircraft with violations of Cambodian air space between 1 July and 19 July.
- Letter dated 27 September (S/8834), charging United States-South Viet-Nameese forces with a violation and an attack on Cambodian territory on 27-28 August and 1/2 September.
- Letter dated 2 October (S/8840), charging United States-South Viet-Nameese forces with attacks and violations of Cambodian territory between 7 July and 25 August.
- Letter dated 9 October (S/8849), charging United States-South Viet-Nameese forces with attacks against Cambodian territory between 2 August and 9 September.
- Letter dated 15 October (S/8859), charging United States-South Viet-Nameese forces with violations and attacks on Cambodian territory between 5 and 22 September.
- Letter dated 15 November (S/8899), charging United States-South Viet-Nameese forces with incidents against Cambodian territory between 4 September and 23 October.
- Letter dated 15 November (S/8900), charging United States-South Viet-Nameese air forces with twenty-one violations of Cambodian air space between 8 September and 9 October.
- Letter dated 18 November (S/8903), charging United States-South Viet-Nameese forces with three attacks on Cambodian territory on 8 and 16 November.
- Letter dated 27 November (S/8907), charging United States-South Viet-Nameese forces with an attack on a Cambodian patrol on 18 November.
- Letter dated 16 December (S/8940), charging United States-South Viet-Nameese forces with attacks on Cambodian territory between 10 and 20 November.
- Letter dated 27 December (S/8944), charging United States-South Viet-Nameese forces with mortar attacks against Cambodian territory on 19 and 21 December.
- Letter dated 26 December (S/8957), charging United States-South Viet-Nameese forces with violations and attacks on Cambodian territory between 1 and 29 November.
- Letter dated 16 January 1969 (S/8969), charging United States-South Viet-Nameese forces with attacks against Cambodian territory between 1 and 20 December 1968.
- Letter dated 21 January (S/8975), charging United States-South Viet-Nameese forces with firing incidents against Cambodian territory between 18 December 1968 and 2 January 1969.
- Letter dated 24 and 28 January (S/8980 and Add.1), transmitting photographs relating to attacks by United States-South Viet-Nameese forces against Cambodian territory on 6, 15 and 16 November 1968.
- Letter dated 28 January (S/8985), transmitting a message of 25 December 1968 from the Chief of State of Cambodia to the Secretary-General charging the United States-South Viet-Nameese forces with an attack against a lorry proceeding along the Khsim-Sen Monorom (Mondulkiri) road on 17 December.
- Letter dated 28 January (S/8986), charging United States-South Viet-Nameese forces with violations of Cambodian territory on 1 December 1968 and 1 and 13 January 1969.
- Letter dated 4 February (S/8992), charging United States-South Viet-Nameese forces with violations and attacks against Cambodian territory between 29 December 1968 and 13 January 1969.
- Letter dated 12 February (S/9007), charging United States-South Viet-Nameese forces with a violation of Cambodian territory on 19 January and the arrest of Cambodian nationals.
- Letter dated 26 February (S/9043), charging violation of Cambodian air space on 12 February by United States-South Viet-Nameese aircraft, one of which crashed in Cambodian territory.
- Letter dated 5 March (S/9044), concerning the capture of three United States servicemen from the crew of the aircraft shot down on 12 February in Cambodian territory (S/9043).
- Letter dated 5 March (S/9045), charging United States-South Viet-Nameese aircraft with violations of Cambodian air space on 10, 18 and 20 January.
- Letter dated 12 March (S/9074), charging United States-South Viet-Nameese forces with armed incidents and violations of Cambodian territory from 11 January to 25 February.
- Letter dated 14 March (S/9087), concerning violations of Cambodia's air space and territory and attacks against Khmer inhabitants from 22 February to 2 March by United States-South Viet-Nameese forces.
- Letter dated 14 March (S/9088), transmitting the text of a 7 March statement from the Cambodian Government concerning an attack by United States-South Viet-Nameese air forces against Cambodian territory on 27 February.
- Letter dated 26 March (S/9117) concerning alleged violations of Cambodian territory by United States-South Viet-Nameese forces from 21 February to 7 March.
- Letter dated 1 April (S/9126) concerning violations of Cambodian territory and shooting at Khmer inhabitants by United States-South Viet-Nameese forces from 27 February to 9 March.
- Letter dated 1 April (S/9128) concerning attack by United States-South Viet-Nameese aircraft on Cambodian territory on 12 March.
- Letter dated 4 April (S/9133) transmitting a Government statement concerning the alleged attack by United States-South Viet-Nameese aircraft on the village of Skatum on 11 March (reported in S/9127).
- Letter dated 11 April (S/9153) concerning an attack by United States-South Viet-Nameese aircraft on the night of 23/24 March against the village of Chea Theach.
- Letter dated 17 April (S/9160) concerning an article by a United States correspondent on the alleged clandestine presence of special United States military

teams in Cambodia for the purpose of gathering intelligence data on troop and supply movements.

Letter dated 17 April (S/9161) charging United States-South Viet-Nameese forces with violations and attacks against Cambodian territory from 16 to 25 March.

Letter dated 29 April (S/9182) charging United States-South Viet-Nameese forces with violations against Cambodian territory from 6 to 26 March.

Letter dated 29 April (S/9183) charging United States-South Viet-Nameese forces with attacks against Cambodian territory on 5 and 6 April.

Letter dated 5 May (S/9193) charging a violation of Cambodian air space by United States-South Viet-Nameese forces on 28 April.

Letter dated 26 May (S/9224) charging United States-South Viet-Nameese aircraft with scattering defoliants over an area 20 kilometres from the frontier, from 18 April to 2 May.

Letter dated 27 May (S/9226) charging United States-South Viet-Nameese forces with artillery attacks against Cambodian territory from 23 to 25 April.

Letter dated 3 June (S/9236) charging United States-South Viet-Nameese forces with landing commandos, arresting Cambodian nationals and firing against provincial guards inside the Cambodian frontier, on 20 and 22 April.

Letter dated 10 June (S/9249) charging United States-South Viet-Nameese forces with violations

and attacks against Cambodian territory from 25 March to 15 April.

Letter dated 10 June (S/9250) charging United States-South Viet-Nameese aircraft with a machine-gun attack against Cambodian villages on 23 May.

Letter dated 12 June (S/9251) charging a commando group transported by United States-South Viet-Nameese helicopters with attacking a Cambodian village in the province of Mondulkiri on 25 May.

Letter dated 17 June (S/9265) charging an attack by United States-South Viet-Nameese forces against the Cambodian villages of O-Pot, O-Ret and Bu Raing on 23 May.

Letter dated 17 June (S/9266) charging United States-South Viet-Nameese forces with violations of Cambodian territory and the shooting of civilians from 19 April to 30 May.

Letter dated 24 June (S/9282) charging United States-South Viet-Nameese forces with shooting at and violations of Cambodian territory from 11 April to 3 May.

Letter dated 1 July (S/9301) charging an attack by a United States-South Viet-Nameese helicopter against the village of Pop Lom on 16 June.

Letter dated 2 July (S/9308) charging violations of Cambodian territorial waters by South Viet-Nameese vessels between 19 April and 26 May.

Letter dated 3 July (S/9309) charging United States-South Viet-Nameese forces with shooting at Cambodian territory on 31 May and violating of Cambodian air space on 1 June.

Chapter 14

COMMUNICATIONS CONCERNING RELATIONS BETWEEN CAMBODIA AND THAILAND

780. During the period under review Cambodia addressed twenty-five letters to the Security Council charging violations of its territory, territorial waters and air space by Thailand. During the same period Thailand addressed four letters to the Council containing similar charges against Cambodia.

781. Cambodian charges included incursions by armed Thai elements into Cambodian territory and attacks on military posts, border patrols and villages, resulting in frequent armed clashes and numerous casualties. In five instances the Thai intruders were alleged to have numbered 100 or more. Other Cambodian complaints referred to exploding mines and booby traps laid by Thai elements, causing death and injury to military personnel and civilians and destruction of carts and cattle. There were also charges of abduction of villagers, illegal fishing by Thai fishing junks and vessels and violations of Cambodian air space by Thai aircraft.

782. In a letter dated 14 October 1968 (S/8858), the representative of Cambodia presented charges concerning several incidents which had taken place during September, including one in which armed units from Thailand had fired mortar shells on a Cambodian Provincial Guard Post, mortally wounding two Cambodian soldiers.

783. In a letter dated 15 October (S/8860), the representative of Cambodia gave further details of an

incident of 27 June and claimed that subsequently Thailand had fabricated evidence of an attack on one of its own villages for use as proof of alleged aggression against Thai territory by Cambodian forces.

784. In a letter dated 16 December (S/8938), the representative of Cambodia complained of several incidents of illegal Thai fishing in Cambodian waters during November and charged that on 18/19 November ten armed Thai junks engaged in clandestine fishing in Cambodian waters had attacked a Cambodian patrol, resulting in the death of one soldier.

785. In a letter dated 31 December (S/8958) the representative of Cambodia charged that an armed band of about sixty men coming from Thailand on 29 November had entered Cambodian territory and opened fire on a Cambodian patrol, killing two soldiers and wounding two others.

786. In two letters dated 20 May and 10 June 1969 (S/9216, S/9247), the representative of Cambodia stated that on 16 May Cambodian soldiers had captured four Thai soldiers and seventy-two Thai civilians who had entered Cambodian territory with three bulldozers and fifteen trucks to install a rebel government of the "Khmer Serei" movement, which was being supported by the Thai régime.

787. In its complaints against Cambodia, Thailand charged Cambodian soldiers with firing at Thai military personnel and villagers across the frontier or after

Chapter 15

COMMUNICATIONS CONCERNING THE SITUATION IN TERRITORIES
UNDER PORTUGUESE ADMINISTRATION

720. By a letter dated 21 November 1969 (S/9509), the Secretary-General transmitted to the President of the Security Council the text of resolution 2507 (XXIV), adopted by the General Assembly on 21 November 1969. In paragraph 12 of that resolution the General Assembly recommended that the Security Council, with a view to the immediate implementation of Assembly resolution 1514 (XV) in the Territories under Portuguese domination, should take effective steps in accordance with the relevant provisions of the Charter and the determination of the international community to put an end to colonialism and racial discrimination in Africa.

721. In a telegram dated 19 December 1969 (S/9579),⁷ addressed to the President of the Security

⁷ See also chapter 28 below

Council, the Minister of Foreign Affairs of the German Democratic Republic stated that his Government condemned the acts of aggression committed by Portugal against Senegal and Guinea in violation of the Security Council resolution 273 (1969). It added that full independence should be granted to the Portuguese-suppressed peoples of Guinea (Bissau), Mozambique and Angola to deprive colonial Powers of any opportunity for aggressive acts. The Governments of the German Democratic Republic fully supported the call of the General Assembly on the Security Council to take effective steps towards early implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

Chapter 16

COMMUNICATIONS RELATING TO COMPLAINTS BY CAMBODIA CONCERNING ACTS OF AGGRESSION AGAINST THE TERRITORY AND CIVILIAN POPULATION OF CAMBODIA

722. During the period under review Cambodia addressed forty-nine communications to the President of the Security Council, alleging aggressive actions by foreign troops in Cambodia.

723. In thirty-three communications Cambodia accused the armed forces of the United States and the Republic of Viet-Nam of frequent violations of its territory, territorial waters and air space. Cambodia's charges against the United States and South Viet-Nameese forces related to firing across the frontiers with various weapons, inflicting death and injuries on Cambodian villagers and causing damage to dwellings, livestock and other property. Cambodia also accused those forces of crossing into Cambodian territory, often supported by armoured cars and helicopters, firing on villages and police posts, planting mines and booby traps and robbing and abducting inhabitants and livestock. There were also complaints of shelling by United States-South Viet-Nameese naval vessels, which frequently penetrated Cambodian waters and disembarked commandos who killed and abducted villagers and fisherman and laid anti-personnel mines in Cambodian territory. The letters also contained charges of attacks by the United States and South Viet-Nameese air force, resulting in deaths and injuries. On occasion the letters charged the intruding aircraft with dropping defoliants and other poisonous chemicals.

724. Some communications reported that members of the International Control Commission and military attachés of diplomatic missions in Phom-Penh had visited the scene of the attacks and violence referred to and had viewed the effects of the aggression at first hand.

725. Beginning on 30 March 1970 and up until 15 June 1970, Cambodia addressed sixteen communications to the President of the Security Council charging "Viet-Cong and North Viet-Nameese forces" with armed incursions into Cambodian territory, attacking

Cambodian military posts, engaging Cambodian defence forces in frequent clashes and occupying Cambodian territory at several points in the country. Scores of Cambodians, including women and children were reported to have died as a result of those attacks and several others were reported missing. In addition hundreds of buildings were allegedly set on fire or otherwise destroyed in those attacks.

726. Listed below are letters from the representative of Cambodia addressed to the President of the Security Council pertaining to the alleged aggressive actions by foreign troops in Cambodia:

Letter dated 25 July 1969 (S/9367), charging United States and South Viet-Nameese force with violations and attacks against Cambodian territory from 6 May to 22 June.

Letter dated 1 August (S/9374), charging the United States and South Viet-Nameese forces with violations of Cambodian air space followed by the spraying of poisonous yellow chemical powder from 18 May to 14 June.

Letter dated 1 August (S/9375), charging United States and South Viet-Nameese forces with attacks and violations of Cambodian territory from 25 June to 12 July.

Letter dated 27 August (S/9416), charging United States and South Viet-Nameese forces with an air attack against Cambodian villages on 9/10 August.

Letter dated 9 September (S/9438), charging United States and South Viet-Nameese forces with attacks against Cambodian territory from 18 July to 13 August.

Letter dated 23 September (S/9454), charging United States and South Viet-Nameese forces with violations and attacks against Cambodian territory from 3 August to 2 September.

- Letter dated 14 October (S/9475), charging United States and South Viet-Nameese forces with attacks against Cambodian territory from 27 August to 23 September.
- Letter dated 28 October (S/9491), charging United States and South Viet-Nameese forces with attacks against Cambodian territory on 1, 6 and 9 October.
- Letter dated 12 November (S/9502), charging United States and South Viet-Nameese forces with attacks against Cambodian territory from 2 to 24 October.
- Letter dated 12 November (S/9517), transmitting a White Paper concerning the alleged United States and South Viet-Nameese violations of Cambodian territory from 1962 up to May 1969.
- Letter dated 2 December (S/9522), charging United States and South Viet-Nameese forces with attacks and violations of Cambodian territory, air space and territorial waters from 6 October to 2 November.
- Letter dated 3 December (S/9526), charging United States and South Viet-Nameese forces with attacks against the Dak Dam resistance centre on 16 and 17 November.
- Letter dated 3 December (S/9527), transmitting further details on the alleged United States and South Viet-Nameese attacks against the Dak Dam resistance centre from 16 to 19 November.
- Letter dated 11 December (S/9558), charging United States and South Viet-Nameese forces with attacks against Cambodian territory from 13 October to 12 November.
- Letter dated 17 December (S/9569), charging United States and South Viet-Nameese forces with occupying and destroying a Khmer post on 4/5 October.
- Letter dated 18 December (S/9571), transmitting documents and photographs concerning the alleged United States attacks against the Dak Dam defence post from 16 to 19 November.
- Letter dated 23 December (S/9580), charging United States and South Viet-Nameese forces with attacks and violations of Cambodian territory and air space from 1 to 26 November.
- Letter dated 31 December (S/9586), charging United States and South Viet-Nameese forces with attacks and violations of Cambodian territory, air space and territorial waters from 26 November to 8 December.
- Letter dated 6 January 1970 (S/9595), charging United States and South Viet-Nameese forces with an attack against the village of Tabol on 17 December.
- Letter dated 14 January (S/9605), charging United States and South Viet-Nameese forces with violations and attacks against Cambodian territory from 15 November to 25 December.
- Letter dated 20 January (S/9611), charging United States and South Viet-Nameese forces with an attack against Cambodian territory on 13 December.
- Letter dated 27 January (S/9625), charging United States and South Viet-Nameese forces with attacks and violations of Cambodian territory from 27 November 1969 to 6 January 1970.
- Letter dated 5 February (S/9638), charging United States and South Viet-Nameese forces with attacks and violations of Cambodian territory from 11 December 1969 to 6 January 1970.
- Letter dated 10 February (S/9645), charging United States and South Viet-Nameese forces with attacks and violations of Cambodian territory from 2 to 11 January.
- Letter dated 18 February (S/9651), charging United States and South Viet-Nameese forces with a violation of Cambodian air space on 18 December and dropping chemical products over a frontier zone in the province of Mondulkiri.
- Letter dated 18 February (S/9653), charging United States and South Viet-Nameese forces with violations and attacks against Cambodian territory from 3 December 1969 to 23 January 1970.
- Letter dated 25 February (S/9668), charging United States and South Viet-Nameese forces with violations and attacks against Cambodian territory from 22 December 1969 to 8 February 1970.
- Letter dated 4 March (S/9679), charging United States and South Viet-Nameese forces with violations of Cambodian air space and attacks against its citizens on 8 and 12 February.
- Letter dated 9 March (S/9688), charging United States and South Viet-Nameese forces with violations and attacks against Cambodian territory from 28 January to 10 February.
- Letter dated 10 March (S/9694), charging United States and South Viet-Nameese forces with an attack against Cambodian territory during the night of 3/4 February.
- Letter dated 16 March (S/9707), concerning the alleged assassination of a Cambodian soldier taken prisoner on 28 October 1969 by United States and South Viet-Nameese forces.
- Letter dated 25 March (S/9724), charging United States and South Viet-Nameese forces with violations and attacks against Cambodian territory from 12 to 23 February.
- Letter dated 30 March (S/9729 and Add.1), charging North Viet-Nameese and Viet-Cong forces with violations and attacks against Cambodian territory on 27 and 28 March.
- Letter dated 1 April (S/9730), charging an attack by North Viet-Nameese and Viet-Cong forces on 31 March in the Snuol region in the province of Kratié.
- Letter dated 3 April (S/9733), charging United States and South Viet-Nameese forces with attacks against Cambodian territory from 17 to 27 February.
- Letter dated 3 April (S/9734), reporting losses suffered by Cambodian forces as a result of the alleged attack on 31 March (S/9730) and a further attack the same evening on the village of Kampot Touk by North Viet-Nameese and Viet-Cong forces.
- Letter dated 6 April (S/9741), charging attacks by North Viet-Nameese and Viet-Cong forces against Cambodian territory from 1 to 3 April.
- Letter dated 8 April (S/9743), charging attacks by North Viet-Nameese and Viet-Cong forces against Cambodian territory on 31 March and 1 to 5 April.
- Letter dated 13 April (S/9750), charging attacks by North Viet-Nameese and Viet-Cong forces against Cambodian territory from 4 to 8 April.
- Letter dated 15 April (S/9754), charging attacks by North Viet-Nameese and Viet-Cong forces against Cambodian territory from 8 to 11 April.
- Letter dated 20 April (S/9760), charging attacks by Viet-Cong and North Viet-Nameese forces against Cambodian territory from 2 to 15 April.

Letter dated 23 April (S/9762), charging Viet-Cong and North Viet-Name forces with attacks against Cambodian territory from 12 to 19 April.

Letter dated 24 April (S/9763), charging Viet-Cong and North Viet-Name forces with attacks against Cambodian territory from 18 to 22 April.

Letter dated 27 April (S/9769), charging Viet-Cong and North Viet-Name forces with attacks against Cambodian territory from 22 to 26 April.

Letter dated 30 April (S/9773), transmitting a Government communiqué on the alleged losses in property and human life caused in Cambodia by the Viet-Cong and North Viet-Name forces.

Letter dated 1 May (S/9776), charging Viet-Cong and North Viet-Name forces with attacks against Cambodian territory from 24 to 27 April.

Letter dated 4 May (S/9780), charging Viet-Cong and North Viet-Name forces with attacks against Cambodian territory from 25 to 29 April.

Letter dated 7 May (S/9787), charging Viet-Cong and North Viet-Name forces with attacks against Cambodian territory on 29 and 30 April.

Letter dated 13 May (S/9802), charging Viet-Cong and North Viet-Name forces with attacks against Cambodian territory from 29 April to 4 May.

727. Listed below is a letter from the representative of the United States addressed to the President of the Security Council:

Letter dated 9 March (S/9692), in reply to the Cambodian letters of 3 and 18 December 1969 (S/9526, S/9527 and S/9571), concerning a border incident at Dak Dam, Cambodia, on 16-17 November 1969.

Chapter 17

COMMUNICATIONS CONCERNING THE SITUATION IN THE AREA OF VIET-NAM

728. In a letter dated 5 May 1970 (S/9781) the United States representative referred to his Government's letters of 7 and 27 February 1965 (S/6174 and Corr. 1 and S/6206) concerning aggression against the Republic of Viet-Nam and informed the President of the Council of aggression by North Viet-Name forces based in Cambodia requiring measures of collective self-defence by armed forces of the Republic of Viet-Nam and the United States. The letter said that for five years North Viet-Nam, against the Cambodian Government's wishes and in violation of Cambodian neutrality, had maintained in Cambodia supply points and bases for military operations against the Republic of Viet-Nam. Recently, North Viet-Name forces had expanded these base areas, moved to link those bordering South Viet-Nam into one continuous chain and pushed others deeper into Cambodia. North Viet-Nam had also stepped up guerrilla actions into South Viet-Nam and was concentrating forces in Cambodia for further massive attacks into South Viet-Nam. Accordingly, United States and South Viet-Name forces had been required to take appropriate measures of self-defence. The measures were restricted in extent, purpose and time and confined to border areas occupied by North Viet-Name and Viet-Cong forces and over which the Cambodian Government no longer exercised effective control. Their purpose was to destroy stocks and communications equipment used for aggression against the Republic of Viet-Nam. When that purpose was accomplished, United States forces and those of the Republic of Viet-Nam would promptly be withdrawn.

729. The letter also reiterated continued respect for Cambodian sovereignty, independence, neutrality and territorial integrity and concluded by referring to President Nixon's address of 30 April, in which he said that the purpose of defensive measures taken in Cambodia was to end the war in Viet-Nam and that every possible effort would be made to achieve that end through negotiation rather than on the battlefield.

730. In a letter dated 8 May 1970 (S/9804) addressed to the President of the Security Council, the representative of the USSR transmitted the text of a statement made by the Chairman of the Council of

Ministers of the USSR, Mr. A. N. Kosygin, on 4 May 1970. The statement said that the invasion of Cambodia by United States forces on the night of 30 April/1 May 1970 had created a new hot-bed of war in South-East Asia. In addition, the United States had lately been carrying out massive air raids on certain areas of North Viet-Nam, thereby grossly violating the obligation it had assumed in accordance with the understanding which had formed the basis for the quadrilateral negotiations in Paris. By unleashing war in Cambodia and resuming large-scale bombings of inhabited areas of North Viet-Nam, the United States President, Mr. Nixon, was rendering null and void the decision of his predecessor, President Johnson, to end, as of November 1968, all aerial bombing and other actions involving the use of force against North Viet-Nam. The United States had attempted to justify its military invasion of Cambodia by alleging that it was essential in order to save the lives of United States soldiers in South Viet-Nam. That was strange logic: the aggressor, having first invaded the territory of one country, then argued that somebody was threatening the lives of his soldiers and that such a threat was in his view sufficient reason for invading the territory of another country neighbouring on the first one. Such a policy constituted the most flagrant arbitrariness in international affairs and had to be resolutely condemned.

731. Even further away from the truth were allegations that the transfer of hostilities to the territory of Cambodia would hasten the end of the war in Viet-Nam. It had been made to appear that expansion of the theatre of war in Indochina would serve to reduce the scale of the fighting rather than increase it. The real purpose underlying the United States policy in South-East Asia was to liquidate progressive régimes in the countries of this region, to stifle national liberation movements, to hamper the social progress of the peoples and to impose colonialist methods in order to subordinate the foreign and domestic policies of the States of Indochina to its own military and strategic interests. The United States invasion of Cambodia had made it obvious that there was a link between the subversive activities of certain United States agencies

On 16 May, at about 5 a.m., Thai soldiers harassed the *phum* of Tasang, *sangkat* of Kauk Romiet, *srok* of Thmar Puok, Battambang province, with mortar fire and fire from automatic weapons. A member of the Cambodian National Defence Forces was seriously wounded in this attack.

On 19 May, at about 12.50 p.m., a Thai booby trap exploded in Cambodian territory 100 metres from the frontier, at a place nine and one half kilometres south-east of the centre of Poipet. The explosion seriously wounded a member of the National Defence Forces named Nuon Din, a resident of the *phum* of Kuttasath, *sangkat* of Kaup, Battambang province.

On 24 May, at 7.30 a.m., a Thai aircraft violated Cambodian air space by flying over the *phum* of Kaun Trey, *sangkat* of Soeung, *srok* of Sisophon, Battambang province, and scattering yellow powder over the area below.

The Royal Government of Cambodia has protested strongly against these acts of aggression and deliberate violations of Cambodian territory by Thailand. It has demanded that the Royal Government of Thailand should put an end to them without delay.

I should be grateful if you would kindly arrange for this letter to be circulated as a Security Council document.

(Signed) Huor Sambath
Permanent Representative of Cambodia
to the United Nations

Le 16 mai vers 5 heures, des soldats thaïlandais ont harcelé à coups de mortier et d'armes automatiques le *phum* de Tasang, *sangkat* de Kauk Romiet, *srok* de Thmar Puok, province de Battambang. Un membre des forces nationales de défense cambodgien a été gravement blessé au cours de cette attaque.

Le 19 mai vers 12 h 50, une mine piégée thaïlandaise a explosé à 100 mètres de la frontière, sur le territoire du Cambodge et en un lieu situé à 9 km 500 au sud-est du centre de Poipet. L'explosion a blessé gravement un membre des forces nationales de défense nommé Nuon Din, habitant le *phum* de Kuttasath, *sangkat* de Kaup, province de Battambang.

Le 24 mai, vers 7 h 30, un avion thaïlandais a violé l'espace aérien du Cambodge, survolant le *phum* de Kaun Trey, *sangkat* de Soeung, *srok* de Sisophon, province de Battambang, avec épandage de poudres jaunes sur la région survolée.

Le Gouvernement royal du Cambodge a élevé une vive protestation contre ces actes d'agression et de violation délibérées de la part de la Thaïlande sur le territoire du Cambodge. Il a exigé du Gouvernement royal de Thaïlande qu'il y mette fin sans délai.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies,
(Signé) Huor Sambath

DOCUMENT S/8669

Letter dated 2 July 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[3 July 1968]

On the instructions of my Government, and further to my letter of 25 June 1968 [S/8655], I have the honour to bring the following to your attention, for the information of members of the Security Council.

On 18 May 1968, at about 3.30 p.m., two United States—South Viet-Name helicopter flew over the Cambodian Provincial Guard station at Bathu.

On 19 May, at about 5.15 p.m., two United States—South Viet-Name helicopters, flying at a height of approximately 700 metres, flew over the Bavet area, in the Svay Teap district.

On 20 May, at about 7.30 a.m., two United States—South Viet-Name aircraft, flying at a height of approximately 700 metres, flew over the commune of Bavet, in the Svay Teap district, making four circuits.

At about 3 p.m., a helicopter flew over the same commune of Bavet, flying at a height of approximately 1,000 metres.

On 22 May, at about 10.10 a.m., a United States—South Viet-Name F-105 jet aircraft, flying at a height of 1,500 metres, flew over the national security post at Bavet, Svay Teap district.

At about 5 p.m., six helicopters flew over the communes of Prasat and Bati, Chantrea district, and the commune of Prey Koki, Svay Teap district.

On 23 May, at about 6.45 a.m., a United States—South Viet-Name L-19 reconnaissance aircraft, flying

Lettre, en date du 2 juillet 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[3 juillet 1968]

D'ordre de mon gouvernement et suite à ma lettre du 25 juin 1968 [S/8655], j'ai l'honneur de vous faire tenir, pour l'information des membres du Conseil de sécurité, ce qui suit.

Le 18 mai 1968, vers 15 h 30, deux hélicoptères américano-sud-vietnamiens ont survolé le poste khmer de la garde provinciale de Bathu.

Le 19 mai vers 17 h 15, deux hélicoptères américano-sud-vietnamiens ont survolé, à une altitude de 700 mètres environ, la région de Bavet, district de Svay Teap.

Le 20 mai, vers 7 h 30, deux avions américano-sud-vietnamiens ont survolé en faisant quatre tours, à une altitude de 700 mètres environ, la commune de Bavet, district de Svay Teap.

Vers 15 heures, un hélicoptère a survolé, à une altitude de 1 000 mètres environ, la même commune de Bavet.

Le 22 mai, vers 10 h 10, un avion à réaction F.105 américano-sud-vietnamien a survolé, à une altitude de 1 500 mètres environ, le poste de la sécurité nationale de Bavet, district de Svay Teap.

Vers 17 heures, six hélicoptères ont survolé les communes de Prasat et de Bati, district de Chantrea, et de Prey Koki, district de Svay Teap.

Le 23 mai, vers 6 h 45, un avion d'observation L.19 américano-sud-vietnamien a survolé, à une altitude de

at a height of approximately 500 metres, flew over the Cambodian village of Bavet Kandal, commune of Bavet, Svay Teap district.

At about 9 a.m., two United States—South Viet-Nameese helicopters flew over the Cambodian village of Thnot, in the commune and district of Chantrea.

On 26 May, at about 1.5 p.m., a United States—South Viet-Nameese F-105 jet aircraft, flying at a height of approximately 800 metres, flew over the communes of Khset and Nhor and the chief town of the Kompong Rau district.

On 27 May, at about 12.30 p.m., a United States—South Viet-Nameese jet aircraft, flying at a height of approximately 1,000 metres, flew over the Provincial Guard station at Bavet, Svay Teap district.

On 28 May, at about 3.30 p.m., two United States—South Viet-Nameese aircraft, flying at a height of approximately 1,000 metres, flew over the commune of Bavet, Svay Teap district.

On 29 May, at about 9.30 p.m., a United States—South Viet-Nameese L-19 reconnaissance aircraft, flying at a height of approximately 1,200 metres, flew over the same commune of Bavet.

On 30 May, at about 4.30 p.m., three United States—South Viet-Nameese F-105 jet aircraft, flying at a height of approximately 2,000 metres, flew over the National Security post at Bavet, Svay Teap district.

At about 8.30 p.m., a United States—South Viet-Nameese aircraft flew over the communes of Chrak Motes and Bavet, Svay Teap district.

On 31 May, at about 4.45 p.m., a United States—South Viet-Nameese F-101 jet aircraft, flying at a height of approximately 2,000 metres, flew over the commune of Bavet, Svay Teap district.

On 1 June, at about 1.5 a.m., a United States—South Viet-Nameese aircraft, flying at a height of approximately 1,000 metres, flew over the commune of Bavet, Svay Teap district.

At about 7.15 a.m., two United States—South Viet-Nameese jet aircraft, flying at a height of approximately 1,000 metres, flew over the same commune of Bavet.

At about 11.15 a.m., an F-105 jet aircraft, flying at a height of approximately 500 metres, flew over the communes of Popet, Chrak Motes and Koki, Svay Teap district.

The Royal Government of Cambodia has protested strongly against these repeated violations of Cambodian air space committed deliberately by United States—South Viet-Nameese air forces. It has demanded that the Governments of the United States of America and the Republic of Viet-Nam should prevent the recurrence of such acts.

I should be grateful if you would arrange for this letter to be circulated as a Security Council document.

(Signed) Huor Sambath
Permanent Representative of Cambodia
to the United Nations

500 mètres environ, le village khmer de Bavet Kandal commune de Bavet, district de Svay Teap.

Vers 9 heures, deux hélicoptères américano-sud-vietnamiens ont survolé le village khmer de Thnot, commune et district de Chantrea.

Le 26 mai, vers 13 h 5, un avion à réaction F.105 américano-sud-vietnamien a survolé, à une altitude de 800 mètres environ, les communes de Khset et Nhor et le chef-lieu du district de Kompong Rau.

Le 27 mai, vers 12 h 30, un avion à réaction américano-sud-vietnamien a survolé, à une altitude de 1 000 mètres environ, le poste de la garde provinciale de Bavet, district de Svay Teap.

Le 28 mai, vers 15 h 30, deux avions américano-sud-vietnamiens ont survolé, à une altitude de 1 000 mètres environ, la commune de Bavet, district de Svay Teap.

Le 29 mai, vers 21 h 30, un avion d'observation L.19 américano-sud-vietnamien a survolé, à une altitude de 1 200 mètres environ, la même commune de Bavet.

Le 30 mai, vers 16 h 30, trois avions à réaction F.105 américano-sud-vietnamiens ont survolé, à une altitude de 2 000 mètres environ, le poste de la sécurité nationale de Bavet, district de Svay Teap.

Vers 20 h 30, un avion américano-sud-vietnamien a survolé les communes de Chrak Motes et de Bavet, district de Svay Teap.

Le 31 mai 1968, vers 16 h 45, un avion à réaction F.101 américano-sud-vietnamien a survolé, à une altitude de 2 000 mètres environ, la commune de Bavet, district de Svay Teap.

Le 1^{er} juin, vers 1 h 5, un avion américano-sud-vietnamien a survolé, à une altitude de 1 000 mètres environ, la commune de Bavet, district de Svay Teap.

Vers 7 h 15, deux avions à réaction américano-sud-vietnamiens ont survolé, à une altitude de 1 000 mètres environ, la même commune de Bavet.

Vers 11 h 15, un avion à réaction F.105 a survolé, à une altitude de 500 mètres environ, les communes de Popet, Chrak Motes et Koki, district de Svay Teap.

Le Gouvernement royal du Cambodge a protesté énergiquement contre ces violations répétées de l'espace aérien du Cambodge commises délibérément par l'aviation américano-sud-vietnamienne. Il a exigé que les Gouvernements des Etats-Unis d'Amérique et de la République du Viet-Nam mettent fin au renouvellement de tels actes.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies,
(Signé) Huor Sambath

DOCUMENT S/8671

Letter dated 5 July 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[5 July 1968]

On the instructions of my Government, I have the honour to bring to your attention, for the information of members of the Security Council the text of the following statement of the Royal Government of Cambodia dated 2 July 1968:

"On Saturday, 29 June 1968, at about 1.45 p.m., two helicopters of the United States armed forces violated Cambodian air space and made a machine-gun attack on a group of Cambodian inhabitants of the village of Svay A Ngong, *srok* of Kompong Trabek, Prey Veng province, who were working in their rice-fields approximately one kilometre from the Viet-Nam frontier.

"For over half an hour the United States pilots relentlessly attacked these peasants, who included women and children. Fourteen persons were killed and four seriously wounded. The thirteen survivors of the massacre have told the investigators of the International Control Commission that the United States aircraft, flying a few metres above the ground, engaged in a real manhunt, chasing and mowing down one by one those who tried to flee.

"The Royal Government of Cambodia denounces this unprecedentedly savage act of aggression against the peaceful civil population of Cambodia and underlines the brutal nature of this act of genocide perpetrated by the United States of America. It solemnly calls upon world public opinion, all the great international organizations and civilized countries to give this further crime the condemnation it deserves.

"The Royal Government hopes that international measures will be taken to force the United States to end immediately the deliberate murder of the peoples of Cambodia and Indo-China in general. The exceptionally barbarous crimes committed by the United States air force in Cambodian territory involve the whole of mankind."

I should be grateful if you would arrange for this letter to be circulated as a Security Council document.

(Signed) Huor Sambath
Permanent Representative of Cambodia
to the United Nations

Lettre, en date du 5 juillet 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original: français]
[5 juillet 1968]

D'ordre de mon gouvernement, j'ai l'honneur de vous faire tenir, pour l'information des membres du Conseil de sécurité, le texte ci-après de la déclaration du Gouvernement royal du Cambodge en date du 2 juillet 1968 :

"Le samedi 29 juin 1968, vers 13 h 45, deux hélicoptères des forces armées des Etats-Unis ayant violé l'espace aérien du Cambodge ont attaqué à la mitrailleuse un groupe d'habitants khmers du village de Svay A Ngong, *srok* de Kompong Trabek, province de Prey Veng, qui travaillaient dans leurs rizières à environ un kilomètre de la frontière du Viet-Nam.

"Pendant plus d'une demi-heure, les pilotes américains se sont acharnés sur ces paysans, parmi lesquels des femmes et des enfants. Quatorze personnes ont été tuées, quatre grièvement blessées. Les treize survivants du massacre ont déclaré aux enquêteurs de la Commission internationale de contrôle que les appareils américains volant à quelques mètres du sol se sont livrés à une véritable chasse à l'homme, poursuivant et fauchant les uns après les autres ceux qui s'efforçaient de fuir.

"Le Gouvernement royal du Cambodge dénonce cette agression d'une sauvagerie sans précédent contre les paisibles populations civiles cambodgiennes et souligne le caractère atroce de cette action de génocide perpétrée par les Etats-Unis d'Amérique. Il en appelle solennellement à l'opinion mondiale, à toutes les grandes organisations internationales et aux pays civilisés pour que ce nouveau crime reçoive la condamnation qui s'impose.

"Le Gouvernement royal souhaite qu'une action internationale soit entreprise pour obliger les Etats-Unis à mettre fin sans délai à l'assassinat délibéré des populations cambodgiennes, et indochinoises en général. Les crimes d'une barbarie inouïe commis par l'aviation américaine en territoire khmer concernent l'humanité entière."

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies,
(Signé) Huor Sambath

DOCUMENT S/8672

Letter dated 5 July 1968 from the representative of the Democratic Republic of the Congo to the President of the Security Council concerning relations between Portugal and the Democratic Republic of the Congo

[Original text: French]
[5 July 1968]

On the instructions of my Government, I have the honour to bring to your attention further acts of aggres-

Lettre, en date du 5 juillet 1968, adressée au Président du Conseil de sécurité par le représentant de la République démocratique du Congo concernant les relations entre le Portugal et la République démocratique du Congo

[Texte original: français]
[5 juillet 1968]

Sur l'honneur, d'ordre de mon gouvernement, de porter à votre connaissance les nouveaux actes d'agres-

"Shortly after Dayan's speech a steady stream of reports, some from eye witnesses, described heavy new Israel troop build ups on the Jordan River's west bank especially in the North near the Sea of Galilee."

(3) On 4 June, the Israel forces launched their attack against the concentration of civilians on the east bank of the Jordan. In the city of Irbid and its environs alone, thirty-four Jordanians were killed and 135 injured. This indiscriminate shelling and bombing in which land-to-land rockets and anti-personnel bombs were used against the civilian population, many of whom were rendered refugees for the second and third time, constitutes an unprecedented act of lawlessness bordering on genocide.

This attack must be a refinement on the old Israel doctrine of "reprisals" in order to achieve peace and tranquillity by exterminating the civilian population.

In his letter, the Israel representative claims that the Israel forces acted in "self-defence to silence the unprovoked shelling." The only thing that the Israel brutal attack silenced was the lives of the innocent and defenceless elderly men, women and children.

I have the honour to request that this letter be circulated as official documents of the General Assembly and Security Council.

(Signed) Anton A. NABER
Chargé d'affaires, a.i.
of the Permanent Mission of Jordan
to the United Nations

après le discours du général Dayan, des renseignements émanant de témoins oculaires dans certains cas et faisant état de nouvelles et importantes concentrations de troupes israéliennes sur la rive occidentale du Jourdain, en particulier au nord, près de la mer de Galilée, ont commencé à affluer."

3) Le 4 juin, les forces israéliennes ont déclenché leur attaque contre la concentration de civils sur la rive orientale du Jourdain. Rien que dans la ville d'Irbid et ses environs, 34 Jordaniens ont été tués et 135 blessés. Ce bombardement aveugle, déclenché avec le concours de l'artillerie et de l'aviation, et au cours duquel des engins sol-sol et des bombes antipersonnel ont été utilisés contre une population composée de civils, dont un grand nombre ont été réduits au sort de réfugiés pour la deuxième et la troisième fois, constitue un acte d'arbitraire sans précédent qui confine au génocide.

Cette attaque représente probablement un perfectionnement de la vieille théorie israélienne des "reprisailles" visant à réaliser la paix et la tranquillité par l'extermination de la population civile.

Dans sa lettre, le représentant israélien prétend que les forces israéliennes ont agi "dans l'exercice de leur droit de légitime défense pour réduire au silence les pièces d'artillerie" qui avaient déclenché un tir "sans provocation aucune...". Une seule chose a été réduite au silence par l'attaque brutale des Israéliens : la vie de vieillards, de femmes et d'enfants innocents et sans défense.

Je vous prie de bien vouloir faire distribuer le texte de la présente lettre comme document officiel de l'Assemblée générale et du Conseil de sécurité.

Le chargé d'affaires par intérim
de la mission permanente de la Jordanie
auprès de l'Organisation des Nations Unies,
(Signé) Anton A. NABER

DOCUMENT S/8675

Letter dated 8 July 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[9 July 1968]

On the instructions of my Government, and further to my letter of 2 July 1968 [S/8669], I have the honour to bring the following to your attention, for the information of members of the Security Council.

On 20 May 1968, at about 11.30 a.m., about 300 soldiers of the United States—South Viet-Nameese armed forces, under cover of four helicopters guided by a reconnaissance aircraft, penetrated Khmer territory to a depth of about 800 metres in the commune of Kong Mau, Kompong Rau district. Svay Rieng province.

On 26 May, at about 11.30 p.m., soldiers of the United States—South Viet-Nameese armed forces fired several mortar bombs in the direction of Khmer territory. Six bombs fell in the village of Sangkum Meanchey, about 3,000 metres inside the frontier, in the commune of Kompong Krassaing, Koh Andeth district, Takeo province. This deliberate attack resulted in the death of a Khmer girl named Lach Phin, aged 18, an inhabitant of the above-mentioned village.

Lettre, en date du 8 juillet 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[9 juillet 1968]

D'ordre de mon gouvernement et suite à ma lettre du 2 juillet 1968 [S/8669], j'ai l'honneur de vous faire tenir, pour l'information des membres du Conseil de sécurité, ce qui suit :

Le 20 mai 1968, vers 11 h 30, les soldats des forces armées américano-sud-vietnamiennes estimés à 300 hommes, sous le couvert de quatre hélicoptères guidés par un avion d'observation, ont pénétré à l'intérieur du territoire khmer, sur une profondeur de 800 mètres environ, dans la commune de Kong-Mau, district de Kompong Rau, province de Svay Rieng.

Le 26 mai, vers 23 h 30, les soldats des forces armées américano-sud-vietnamiennes ont tiré plusieurs obus de mortier en direction du territoire khmer. Six obus sont tombés dans le village de Sangkum Meanchey, situé à environ 3 000 mètres en deçà de la frontière, dans la commune de Kompong Krassaing, district de Koh Andeth, province de Takéo. Cette attaque délibérée a tué une jeune fille khmère nommée Lach Phin, âgée de 18 ans, habitante du village précité.

On the same day, at about 6 p.m., soldiers of the United States—South Viet-Nameese armed forces from the Kaun Trom post (Kien-Giang, South Viet Nam) fired machine-guns in the direction of Khmer territory in the area of Phnom de Kok Kambor, about 500 metres inside the frontier, in the commune of Russey Srok, Kratong Trach district, Kampot province. As a result of this deliberate attack a Khmer inhabitant of the area named Chau Ngeav, aged 24, was wounded.

On 28 May, at about 6.30 p.m., soldiers of the United States—South Viet-Nameese armed forces once again from the Kaun Trom post, fired several shells in the direction of Khmer territory. Some shells fell about 500 metres inside the frontier on the village of Thkau, commune of Russey Srok, Kompong Trach district, Kampot province. As a result of this deliberate attack, a Khmer inhabitant of the village named Sim Chraun was wounded.

On 29 May, at about 5.15 p.m., two United States—South Viet-Nameese helicopters violated Cambodian air space and opened fire with machine-guns and rockets on the commune of Chambak, Svay Rieng district, Svay Rieng province. Sixteen rockets fell about 700 metres inside the frontier, near the Khmer village of Tanou (same commune, district and province). As a result of this deliberate attack, three villagers were wounded and a number of houses occupied by Khmer inhabitants of the locality were damaged.

On 13 June, at about 8.23 a.m., a United States—South Viet-Nameese L-19 reconnaissance aircraft violated Cambodian air space and flew several times over the Khmer villages of Chrak Kranh and Daun Roat, commune of Ruong, Mimot district, Kompong Cham province.

On the same day, at about 9 a.m., soldiers of the United States-South Viet-Nameese armed forces from the Katoum post (South Viet-Nam) fired several mortar bombs in the direction of the above-mentioned Khmer villages. Twenty-nine bombs fell in the village of Chrak Kranh, causing the following material damage: 6 houses destroyed; 11 others damaged; 1 bullock injured and land under cultivation devastated.

At about 10.30 a.m. on the same day, the same soldiers fired mortar bombs in the direction of the Khmer village of Choeung, commune of Choam, Mimot district, Kompong Cham province. Two bombs fell in this village about 1,500 metres from the frontier.

The Royal Government of Cambodia has protested strongly against these new deliberate aggressions and attacks by United States—South Viet-Nameese armed forces against Khmer villages and peaceful Khmer peasants. It has demanded that the Governments of the United States of America and the Republic of Viet-Nam should prevent the recurrence of such criminal acts, and should compensate the families of the victims.

I should be grateful if you would arrange for this letter to be circulated as a Security Council document.

(Signed) Hnor Sambath
Permanent Representative of Cambodia
to the United Nations

Le même jour, vers 18 heures, les soldats des forces armées américano-sud-vietnamiennes du poste de Kaun Trom (Kien-Giang [Sud-Viet Nam]) ont tiré avec des armes automatiques en direction du territoire khmer dans la région de Phnom de Kok Kambor, situé à environ 500 mètres en deçà de la frontière, dans la commune de Russey Srok, district de Kompong Trach, province de Kampot. Cette attaque délibérée a blessé un habitant khmer du lieu nommé Chau Ngeav, âgé de 24 ans.

Le 28 mai, vers 18 h 30, les soldats des forces armées américano-sud-vietnamiennes du même poste de Kaun Trom, ont tiré plusieurs obus de canon en direction du territoire khmer. Quelques obus sont tombés à environ 500 mètres en deçà de la frontière dans le village de Thkau, commune de Russey Srok, district de Kompong Trach, province de Kampot. Cette attaque délibérée a blessé un habitant khmer du lieu nommé Sim Chraun.

Le 29 mai 1968, vers 17 h 15, deux hélicoptères américano-sud-vietnamiens ont violé l'espace aérien du Cambodge pour venir mitrailler et tirer des roquettes dans la commune de Chambak, district et province de Svay Rieng. Seize obus sont tombés à environ 700 mètres en deçà de la frontière, aux environs du village khmer de Tanou situé dans les communes de Tanou et de Tanou, district et province précités. Cette attaque délibérée a blessé trois villageois et en l'ommage quelques maisons des habitants khmers du lieu.

Le 13 juin 1968, vers 8 h 23, un avion d'observation L-19 américano-sud-vietnamien a violé l'espace aérien du Cambodge en survolant à plusieurs reprises les villages khmers de Chrak Kranh et de Daun Roat, commune de Ruong, district de Mimot, province de Kompong Cham.

Le même jour, vers 9 heures, les soldats des forces armées américano-sud-vietnamiennes du poste de Katoum (Sud-Viet-Nam) ont tiré plusieurs obus de mortier en direction des villages khmers précités. Vingt-neuf obus sont tombés dans le village de Chrak Kranh, causant les dégâts matériels ci-après : 6 maisons détruites, 11 autres endommagées, 1 bœuf blessé et des cultures dévastées.

Vers 10 h 30 de la même journée, ces mêmes soldats ont tiré des obus de mortier en direction du village khmer de Choeung, commune de Choam, district de Mimot, province de Kompong Cham. Deux obus sont tombés dans ledit village, à une distance environ de 1 500 mètres de la frontière.

Le Gouvernement royal du Cambodge a protesté énergiquement contre ces nouvelles agressions et attaques commises délibérément contre les villages et les paisibles paysans khmers par les forces armées américano-sud-vietnamiennes. Il a exigé que les Gouvernements des Etats-Unis d'Amérique et de la République du Viet-Nam mettent fin au renouvellement de tels actes criminels et qu'ils indemnisent les familles des victimes.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies,
(Signé) Hnor Sambath

recognition of Israel, can the cause of peace be advanced in the Middle East.

I have the honour to request that this letter be circulated as a Security Council document.

Yosef Yosef Terouh
Permanent Representative of Israel
to the United Nations

sur le Khmerou rejetant la paix, les négociations et la reconnaissance d'Israël, que la cause de la paix pourra faire des progrès au Moyen-Orient.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité.

Le représentant permanent d'Israël
auprès de l'Organisation des Nations Unies,
(Signé) Yosef TEROUH

DOCUMENT S/8682

Letter dated 16 July 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[17 July 1968]

On the instructions of my Government and pursuant to my letter of 5 July 1968 [S/8671], I have the honour to forward to you, for the information of members of the Security Council, details of the savage attack by two helicopters of the United States armed forces against the peaceful Cambodian inhabitants of the village of Svay A Ngong:

"On 29 June 1968, at about 1.45 p.m., two United States-South Viet-Nameese helicopters violated Cambodian air space by flying over the Cambodian village of Svay A Ngong, commune of Cham, district of Kompong, Prey Veng province. These aircraft then machine-gunned the Cambodian inhabitants, who were engaged in cultivating the nearby rice-fields, which are situated over 800 metres on the Cambodian side of the frontier.

"This barbarous act of aggression by United States-South Viet-Nameese armed forces caused the following heavy loss of life: fourteen persons killed; four seriously wounded.

"The International Commission for Supervision and Control, the military and press attachés of the diplomatic and consular missions accredited to Phnom Penh, and press correspondents of the national and foreign Press were invited by the Royal Government to visit the site of the act of aggression on 1 July 1968 and were able to observe for themselves the facts described above.

"The Royal Government has most indignantly and vigorously protested against this further, and extremely serious, act of aggression deliberately and savagely carried out by the United States-South Viet-Nameese armed forces within Cambodian territory. It has demanded that the Governments of the United States of America and the Republic of Viet-Nam immediately bring to an end such barbarous acts and compensate the families of the victims."

I should be grateful if you would arrange for this letter to be circulated as a Security Council document, together with the six photographs enclosed, which show the bodies of the victims of the United States-South Viet-Nameese act of aggression, the investigators of the International Control Commission, local and

Lettre, en date du 16 juillet 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[17 juillet 1968]

D'ordre de mon gouvernement, et suite à ma lettre du 5 juillet 1968 [S/8671], j'ai l'honneur de vous faire tenir, pour l'information des membres du Conseil de sécurité, les détails de l'attaque barbare de deux hélicoptères des forces armées des Etats-Unis contre les paisibles habitants khmers du village de Svay A Ngong :

"Le 29 juin 1968, vers 13 h 45, deux hélicoptères américano-sud-vietnamiens ont violé l'espace aérien du Cambodge en survolant le village khmer de Svay A Ngong, commune de Cham, district de Kompong Trabek, province de Prey-Veng. Ces appareils ont ensuite mitraillé les habitants khmers qui étaient en train de s'adonner aux travaux champêtres dans les rizières avoisinantes situées à plus de 800 mètres en deçà de la frontière.

"Cette agression barbare des forces armées américano-sud-vietnamiennes a causé les lourdes pertes en vies humaines ci-après : 14 habitants tués ; 4 blessés graves.

"La Commission internationale de surveillance et de contrôle, les attachés militaires et de presse des missions diplomatiques et consulaires accréditées à Phnom-Penh ainsi que les correspondants de la presse nationale et étrangère, invités par le Gouvernement royal à se rendre sur le lieu d'agression le 1^{er} juillet 1968, ont pu constater *de visu* les faits ci-dessus relatés.

"Le Gouvernement royal, très indigné, a protesté avec la dernière rigueur contre cette nouvelle agression d'une extrême gravité commise délibérément et sauvagement par les forces armées américano-sud-vietnamiennes à l'intérieur du territoire du Cambodge. Il a exigé que les Gouvernements des Etats-Unis d'Amérique et de la République du Viet-Nam mettent fin sans délai à de tels actes barbares et qu'ils indemnisent les familles des victimes."

Je vous serais obligé de bien vouloir faire distribuer comme document du Conseil de sécurité le texte de la présente lettre ainsi que les six photos ci-jointes montrant les dépouilles mortelles des victimes de l'agression américano-sud-vietnamienne et les enquêteurs de la Commission internationale de contrôle, journalistes

foreign journalists, and press attaches of diplomatic missions.

(Signed) Huot Sambath
Permanent Representative of Cambodia
to the United Nations

[The photographs attached to the mimeographed version of the present document are not reproduced here.]

locaux et étrangers et attachés de presse des missions diplomatiques.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies,

(Signed) Huot Sambath
[Les photographies jointes à la version mimeographiée du présent document ne sont pas reproduites ici.]

DOCUMENT S/8683*

Letter dated 17 July 1968 from the representative of Israel to the Secretary-General

[Original text: English]
[17 July 1968]

Upon instructions from my Government, I have the honour to refer to the letter addressed to you on 8 July 1968 [S/8674] by the *Chargé d'affaires*, a.i. of the Permanent Mission of Jordan to the United Nations.

The letter persists in bewailing the effects of Jordanian aggression on the civilian population of Jordan, without, however, indicating the slightest readiness to put an end to such aggression. It is evident that as long as Jordan continues its warfare against Israel by armed attacks and raids and uses inhabited points as artillery positions or bases for terror operations civilians cannot but suffer. Jordan cannot continue its attacks against Israel villages and Israel citizens and claim, at the same time, immunity for its military positions and bases only because they are purposely established within inhabited areas or in the immediate proximity to them.

This Jordanian attitude is reminiscent of Jordan's behaviour in June 1967. Having rejected Israel's appeals for peace and having launched a military offensive against Israel, Jordan then found it appropriate to complain of the consequences of its own aggression.

By now the Jordanian Government is undoubtedly aware of the fact that only strict adherence to the cease-fire and prevention of the use of Jordanian territory for attacks against Israel by regular or irregular forces, can avert suffering of the civilian population on either side of the line.

I have the honour to request that this letter be circulated as an official document of the General Assembly and the Security Council.

(Signed) Yosef TEKOAH
Permanent Representative of Israel
to the United Nations

Lettre, en date du 17 juillet 1968, adressée au Secrétaire général par le représentant d'Israël

[Texte original en anglais]
[17 juillet 1968]

D'ordre de mon gouvernement, j'ai l'honneur de me référer à la lettre qui vous a été adressée le 8 juillet 1968 [S/8674] par le chargé d'affaires par intérim de la mission permanente de la Jordanie auprès de l'Organisation des Nations Unies.

Dans cette lettre on déplore une fois de plus les conséquences de l'agression jordanienne pour la population civile de la Jordanie, sans manifester la moindre intention de mettre un terme à cette agression. Il est évident que, aussi longtemps que la Jordanie poursuivra les hostilités contre Israël sous forme d'attaques et d'incursions armées et utilisera des emplacements habités pour y établir des positions d'artillerie ou des bases d'opérations terroristes, les civils ne pourront qu'en pâtir. La Jordanie ne peut continuer ses attaques contre des villages et des civils israéliens tout en s'attendant à ce que ses positions et ses bases militaires restent indemnes du simple fait qu'elles ont été installées à dessein à l'intérieur ou au voisinage immédiat de secteurs habités.

Cette attitude jordanienne rappelle le comportement de la Jordanie en juin 1967. Après avoir rejeté les appels à la paix d'Israël et lancé une offensive militaire contre Israël, la Jordanie trouva à propos de se plaindre des conséquences de sa propre agression.

Aujourd'hui le Gouvernement jordanien n'ignore certainement pas que c'est seulement en respectant strictement le cessez-le-feu et en évitant d'utiliser le territoire jordanien comme base d'attaques, effectuées contre Israël par des forces régulières et irrégulières, que l'on pourra épargner des souffrances à la population civile de part et d'autre de la ligne.

Je vous saurais gré de bien vouloir faire distribuer le texte de la présente lettre comme document officiel de l'Assemblée générale et du Conseil de sécurité.

Le représentant permanent d'Israël
auprès de l'Organisation des Nations Unies,
(Signed) Yosef TEKOAH

DOCUMENT S/8684

Letter dated 17 July 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[18 July 1968]

On the instructions of my Government, and further to my letter of 2 July 1968 [S/8668], I have the honour

* Also circulated as a General Assembly document under the symbol A/7137

Lettre, en date du 17 juillet 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[18 juillet 1968]

D'ordre de mon gouvernement, et suite à ma lettre du 2 juillet 1968 [S/8668], j'ai l'honneur de vous faire

* Distribué également comme document de l'Assemblée générale sous la cote A/7137

Letter dated 31 July 1968 from the representative of Israel to the Secretary-General

(Original text: English)
(31 July 1968)

I have the honour to refer to the letters addressed to you and to the President of the Security Council on 29 July 1968 by the *Chair of Affairs* of the Permanent Mission of Jordan [S/8698], concerning an incident on 29 July 1968 in the Allenby Bridge area. The letters distort the facts and attempt to conceal their background.

The Allenby Bridge serves as a point of transit between the west bank and the east bank through which visitors, merchants and others have been travelling for months, uninterruptedly and in an orderly fashion. Several scores of trucks with merchandise and an average of 1,000 persons a day cross the bridge. Among them are Arab students and other tourists from Arab countries visiting their families on the west bank and in the Gaza area, Arab inhabitants of these areas travelling eastward to visit their families or to reunite with them, as well as those who exercise their freedom of movement, denied to them for many years, in search of work.

On 29 July 1968, at approximately 1200 hours local time, a bus with Gaza inhabitants was detained by the Jordanians in the middle of the bridge. The Arab driver of the bus insisted on proceeding, but in view of the Jordanian refusal to permit him to do so, the Israel authorities instructed the driver to return.

At 1730 hours on the same day, the Jordanian forces north of the bridge opened fire, without any provocation, on Israel military positions on the west bank. The firing extended southward to the bridge area itself at a time when numerous commercial trucks, buses and taxis were at the bridge. The sudden Jordanian attack was not only unprovoked, but had no connexion whatever with any question of movement across the bridge.

I have the honour to request that this letter be circulated as an official document of the General Assembly and the Security Council.

(Signed) Yosef TEROUH
Permanent Representative of Israel
to the United Nations

Lettre, en date du 31 juillet 1968, adressée au Secrétaire général par le représentant d'Israël

(Texte original en anglais)
(31 juillet 1968)

J'ai l'honneur de me référer aux lettres que le chargé d'affaires de la Mission permanente de la Jordanie vous a adressées, ainsi qu'au Président du Conseil de sécurité, le 29 juillet 1968 [S/8698] au sujet d'un incident survenu le même jour dans la région du pont Allenby. Ces lettres déforment les faits et tentent de donner une fausse image de la situation.

Le pont Allenby sert de point de transit entre la rive occidentale et la rive orientale par lequel des visiteurs, des marchands et autres personnes passent depuis des mois sans interruption et sans désordre. Chaque jour, plusieurs douzaines de camions chargés de marchandises et un millier de personnes en moyenne traversent le pont. Parmi eux se trouvent des étudiants arabes et des touristes venant de pays arabes qui viennent rendre visite à leur famille sur la rive orientale et dans la bande de Gaza, des citoyens arabes de ces zones qui se déplacent vers l'est pour aller voir leur famille ou les rejoindre définitivement ainsi que des personnes qui, exerçant la liberté de mouvement qui leur a été refusée pendant de nombreuses années, sont à la recherche d'un emploi.

Le 29 juillet 1968, vers 12 heures (heure locale) un autobus transportant des habitants de la zone de Gaza a été arrêté par les Jordaniens au milieu du pont. Le chauffeur de l'autobus, qui était Arabe, a insisté pour poursuivre sa route mais, les Jordaniens s'y opposant, les autorités israéliennes ont donné au chauffeur l'ordre de faire demi-tour.

Le même jour, à 17 h 30, les forces jordaniennes stationnées au nord du pont ont ouvert le feu, sans être provoquées, sur les positions militaires israéliennes de la rive occidentale. Le tir a également été dirigé vers le sud sur le pont lui-même à une heure où de nombreux véhicules commerciaux, autobus et taxis y circulaient. Non seulement cette attaque soudaine de la part de la Jordanie n'a pas été provoquée mais elle était sans rapport aucun avec le passage sur le pont.

Je vous prie de bien vouloir faire distribuer la présente lettre en tant que document officiel de l'Assemblée générale et du Conseil de sécurité.

Le représentant permanent d'Israël
auprès de l'Organisation des Nations Unies
(Signé) Yosef TEROUH

DOCUMENT S/8703

Letter dated 30 July 1968 from the representative of Cambodia to the President of the Security Council

(Original text: French)
(31 July 1968)

On the instructions of my Government, and further to my letters of 8 and 16 July 1968 [S/8675, S/8682], I have the honour to bring the following to your attention, for the information of members of the Security Council,

* Also circulated as a General Assembly document under the symbol A/7158.

Lettre, en date du 30 juillet 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

(Texte original en français)
(31 juillet 1968)

D'ordre de mon gouvernement et suite à mes lettres des 8 et 16 juillet 1968 [S/8675 et S/8682], j'ai l'honneur de vous faire tenir, pour l'information des membres du Conseil de sécurité, ce qui suit :

* Distribué également comme document de l'Assemblée générale sous la cote A/7158.

On 3 June 1968, at about 6.15 p.m., a group of South Viet-Nameese soldiers from the post at Cai Muong (South Viet-Nam) fired smoke bombs emitting toxic smoke-clouds of a yellowish colour along the Tonle Tauch stream in a westerly direction; the suffocating odour from these penetrated to the Koh Skor Provincial Guard post in Cambodian territory, in the district of Preah Sdech, Prey Veng province. The toxic effects of these bombs was such as to cause immediate pain in the eyes, nasal fossae and stomach to the occupants of this post, who included women and children.

I should be grateful if you would arrange for this letter to be circulated as a Security Council document.

(Signed) Huot Sambath
Permanent Representative of Cambodia
to the United Nations

Le 3 juin 1968, vers 18 h 15, un groupe de soldats sud-vietnamiens du poste de Cai Muong (Sud-Viet-Nam) ont tiré des obus fumigènes dégageant des nuages toxiques de couleur jaunâtre le long de la rivière Tonlé Tauch en direction de l'ouest et dont l'odeur suffocante atteignait le poste de la garde provinciale de Koh Skor, en territoire cambodgien, dans le district de Preah Sdech, province de Prey Veng. L'effet toxique de ces obus a provoqué une vive douleur instantanée aux yeux, aux fosses nasales et à l'estomac chez les occupants dudit poste y compris des femmes et des enfants.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies,
(Signé) Huot Sambath

DOCUMENT S/8704

Letter dated 30 July 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[31 July 1968]

On the instructions of my Government, and further to my letter of 30 July 1968 [S/8703], I have the honour to bring the following to your attention, for the information of members of the Security Council.

On 28 May 1968, at about 2.25 p.m., two United States-South Viet-Nameese helicopters flew over Cambodian territory, scattering a yellow powder over the Skatum and Veal Khyor area, commune of Cheam Kravien and Mimot, Kompong Cham province. This yellow powder caused a great deal of damage to crops and fruit trees in the area.

On 30 May, at about 12.30 p.m., a United States-South Viet-Nameese Dakota aircraft, flying at a height of approximately 800 metres, flew over the Koh Rocar area in Peamchor, Prey Veng province.

On the same day, at about 3.30 p.m., two F-102 United States-South Viet-Nameese aircraft violated Cambodian air space to a depth of fifteen kilometres and flew over the communes of Prek Sambour and Koh Chek, in Peamchor, Prey Veng province, flying at a height of approximately 1,000 metres.

On 2 June, at about 11.30 p.m., one L-19 United States-South Viet-Nameese aircraft, flying at a height of approximately 1,000 metres, flew over the commune of Bavet, district of Svay Teap, Svay Rieng province.

On 3 June, at about 11 a.m., a United States-South Viet-Nameese F-105 aircraft, flying at a height of approximately 2,000 metres, flew over the Cambodian government post of Bavet, district of Svay Teap, Svay Rieng province, making two complete circuits.

On 4 June, at approximately 3 p.m., a United States-South Viet-Nameese F-101 aircraft, flying at a height of approximately 1,000 metres, flew over the town of Chipou, commune of Chhak Motes, district of Svay Teap, Svay Rieng province, making three circuits of the town before leaving Cambodian air space.

On the same day, at about 12 midnight, a United States-South Viet-Nameese aircraft, flying at a height of approximately 1,500 metres, flew over the same town of Chipou.

Lettre, en date du 30 juillet 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[31 juillet 1968]

D'ordre de mon gouvernement et suite à ma lettre du 30 juillet 1968 [S/8703], j'ai l'honneur de vous faire tenir, pour l'information des membres du Conseil de sécurité, ce qui suit.

Le 28 mai 1968, vers 14 h 25, deux avions américano-sud-vietnamiens ont survolé le territoire du Cambodge et ont répandu une poudre jaune sur la région de Skatum et Veal Khyor, commune de Cheam Kravien et Mimot, province de Kompong Cham. Cette poudre jaune a causé beaucoup de dégâts aux cultures et arbres fruitiers du lieu.

Le 30 mai, vers 12 h 30, un avion Dakota américano-sud-vietnamien a survolé la région de Koh Rocar en Peamchor, province de Prey Veng, à une altitude de 800 mètres environ.

Le même jour, vers 15 h 30, deux avions F-102 américano-sud-vietnamiens ont violé l'espace aérien du Cambodge sur une profondeur de 15 kilomètres et survolé les communes de Prek Sambour et Koh Chek, en Peamchor, province de Prey Veng, à 1 000 mètres environ d'altitude.

Le 2 juin, vers 23 h 30, un avion américano-sud-vietnamien de type L-19 a survolé la commune de Bavet, district de Svay Teap, province de Svay Rieng à 1 000 mètres environ d'altitude.

Le 3 juin, vers 11 heures, un avion américano-sud-vietnamien de type F-105 a survolé à une altitude de 2 000 mètres environ et en faisant deux cercles complets, le poste administratif cambodgien de Bavet, district de Svay Teap, province de Svay Rieng.

Le 4 juin 1968, vers 15 heures, un avion américano-sud-vietnamien de type F-101 a survolé le centre de Chipou, commune de Chhak Motes, district de Svay Teap, province de Svay Rieng, à une altitude de 1 000 mètres environ, et en faisant trois tours sur le lieu avant de quitter l'espace aérien khmer.

Le même jour, vers 24 heures, un avion américano-sud-vietnamien a survolé le même centre de Chipou à une altitude de 1 500 mètres environ.

On 5 June, at about 9.45 a.m., a four-engined United States-South Viet-Nameese aircraft flew over Bavet at a height of approximately 2,000 metres.

On 6 June, at about 8.30 p.m., a L-19 United States-South Viet-Nameese aircraft flew over the same town of Bavet at a height of approximately 1,000 metres.

On 7 June, at about 12.15 p.m., a C-130 United States-South Viet-Nameese aircraft again flew over this town (Bavet) at a height of approximately 800 metres.

On the same day, at about 9.40 a.m. and 11.10 a.m., two United States-South Viet-Nameese jet aircraft flew over, respectively, the Mimot area and the Kantreuy Plantation in Mimot, Kompong Cham province.

On 8 June, at about 11 a.m., a United States-South Viet-Nameese jet aircraft violated Cambodian air space to a depth of thirteen kilometres and flew over the villages of Trapeang Phlong, Trapeang Pring and Chi Moan, district of Ponhea Krek, Kompong Cham province.

At about 3.25 p.m., a United States-South Viet-Nameese spotter aircraft flew over the commune of Banteay Chakrey, district of Kompong Trabek, Prey Veng province, while at about 3.40 p.m. another shelled the Koh Sampeou Provincial Guard post, district of Peamchor, in the same province.

On the same day, United States-South Viet-Nameese aircraft scattered a yellow powder over the Trapeang Russey, Daung, ROUNG, Chambak and Dau Ratt areas, district of Mimot, Kompong Cham province, causing much damage to crops.

The Royal Government of Cambodia has protested strongly against these further violations of Cambodian air space by United States-South Viet-Nameese forces, followed in some instances by shelling and the scattering of chemical products which caused damage to property and endangered the lives of peaceful Cambodians and their cattle. It has demanded that the Governments of the United States of America and the Republic of Viet-Nam put an end to such acts.

I should be grateful if you would arrange for this letter to be circulated as a Security Council document.

(Signed) Huor Sambath
Permanent Representative of Cambodia
to the United Nations

Le 5 juin, vers 9 h 45, un quadrimoteur américano-sud-vietnamien a survolé Bavet, à une altitude de 2 000 mètres environ.

Le 6 juin, vers 20 h 30, un avion américain de type L-19 a survolé le même endroit (Bavet) à une altitude de 1 000 mètres environ.

Le 7 juin, vers 12 h 15, un avion américano-sud-vietnamien de type C-130 a survolé encore ce centre (de Bavet) à une altitude de 800 mètres environ.

Le même jour, vers 9 h 40 et vers 11 h 10, deux avions à réaction américano-sud-vietnamiens ont survolé respectivement la région de Mimot et la plantation de Kantreuy en Mimot, province de Kompong Cham.

Le 8 juin, vers 11 heures, un avion à réaction américano-sud-vietnamien a violé l'espace aérien khmer sur une profondeur de 13 kilomètres et survolé les villages de Trapeang Phlong, Trapeang Pring et Chi Moan, district de Ponhea Krek, province de Kompong Cham.

Vers 15 h 25, un avion d'observation américano-sud-vietnamien a survolé la commune de Banteay-Chakrey, district de Kompong Trabek, province de Prey Veng, tandis qu'un autre a lancé, vers 15 h 40, des roquettes sur le poste de la garde provinciale de Koh Sampeou, district de Peamchor de la même province.

Le même jour, des avions américano-sud-vietnamiens ont répandu une poudre jaune sur les régions de Trapeang Russey, Daung, ROUNG, Chambak et Dau Ratt, district de Mimot, province de Kompong Cham, causant par la suite beaucoup de dégâts aux cultures.

Le Gouvernement royal du Cambodge a protesté énergiquement contre ces nouvelles violations de l'espace aérien du Cambodge par les forces américano-sud-vietnamiennes suivies dans certains cas de tirs de roquettes et d'épandage de produits chimiques causant des dégâts aux biens et mettant en danger la vie des paisibles habitants khmers et de leur bétail. Il a exigé que les Gouvernements des Etats-Unis d'Amérique et de la République du Viet-Nam mettent fin à de tels actes.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies.
(Signé) Huor Sambath

DOCUMENT S/8706

Letter dated 31 July 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[1 August 1968]

On the instructions of my Government, and further to my letter of 20 July 1968 (S/8704), I have the honour to bring the following to your attention, for the information of members of the Security Council.

On 10 July 1968, at about 8 p.m., a four-engined aircraft of the United States-South Viet-Nameese forces, flying at a height of 500 metres, violated Cambodian air space and flew over the commune of Prasat, district of Chantrea, Svay Rieng province, several times.

At about 9 p.m., a United States-South Viet-Nameese aircraft of the same type flew over the same locality

Lettre, en date du 31 juillet 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[1^{er} août 1968]

D'ordre de mon gouvernement et suite à ma lettre du 30 juillet 1968 (S/8704), j'ai l'honneur de vous faire tenir, pour l'information des membres du Conseil de sécurité, ce qui suit.

Le 10 juillet 1968, vers 20 heures, un quadrimoteur des forces américano-sud-vietnamiennes a violé l'espace aérien du Cambodge et survolé à plusieurs reprises et à 500 mètres d'altitude la commune de Prasat, district de Chantrea, province de Svay Rieng.

Vers 21 heures, un avion américano-sud-vietnamien du même type est venu survoler la même localité et tirer sur

and fired on Cambodian villagers who were engaged in manual work, including the following persons: Mr. Hen Chen, 21 years, Mr. Choeng Khim, 53 years; Mr. Ben Yen, 16 years. Mr. Hen Chen died from his injuries while being transferred to the hospital at Svay Rieng.

The Royal Government of Cambodia has protested strongly against these violations of Cambodian airspace and this further barbarous act of aggression by United States-South Viet-Namese forces against the peaceful inhabitants of Cambodia. It has demanded that the Governments of the United States of America and the Republic of Viet-Nam immediately put an end to such acts and compensate the families of the victims.

I reproduce below the text of the statement made by the Royal Government of Cambodia on 17 July 1968 concerning this matter:

"On 10 July 1968, at about 9 p.m., an aircraft of the United States-South Viet-Namese forces machine-gunned a group of people working at Vat Prasat, *srok* of Chantrea, Svay Rieng province. An hour earlier a four-engined aircraft from South Viet-Nam had flown over the village for some considerable time. The result of this terrorist act was the death of one person and injuries to two persons.

"Thus, twelve days after the massacre of fourteen Khmer peasants at Svay A Ngong, the United States-South Viet-Namese air force carried out a further attack on the defenceless civilian population of Cambodia. It is clear that the United States military authorities responsible for these atrocities intend to continue their murderous acts of aggression against Cambodia, despite the reactions of international opinion.

"The Royal Government makes a further appeal to all the countries of the world and to the international organizations and urges that further action should be taken to induce the United States Government to halt without delay the barbarous acts committed against the peaceful Khmer people. It is essential to determine whether the United States today has an implicitly acknowledged right to attack a Member country of the United Nations and to murder its population with impunity."

I should be grateful if you would arrange for this letter to be circulated as a Security Council document.

(Signed) Huor Sambath
Permanent Representative of Cambodia
to the United Nations

les villageois cambodgiens en train de faire des travaux manuels, causant parmi eux trois blessés dont M. Hen Chen, âgé de 21 ans, Choeng Khim, âgé de 53 ans, et Ben Yen, âgé de 16 ans. M. Hen Chen a succombé à ses blessures, au cours de son transport à l'hôpital de Svay Rieng.

Le Gouvernement royal a élevé une énergique protestation contre ces violations de l'espace aérien khmer et cette nouvelle et barbare agression commises par les forces américano-sud-vietnamiennes contre les paisibles habitants cambodgiens. Il a exigé que les Gouvernements des Etats-Unis d'Amérique et de la République du Viet-Nam mettent fin immédiatement à de pareils actes et qu'ils indemnisent les familles des victimes.

Vous voudrez bien également trouver ci-dessous le texte de la déclaration du Gouvernement royal du Cambodge en date du 17 juillet 1968, relative au même sujet :

"Le 10 juillet 1968 vers 21 heures, un avion des forces américano-sud-vietnamiennes a mitraillé un groupe d'habitants travaillant à Vat Prasat, *srok* de Chantrea, province de Svay Rieng. Une heure plus tôt le village avait été longuement survolé par un quadrimoteur venant du Sud-Viet-Nam. Le bilan de cette action terroriste s'établit à un mort et deux blessés.

"Ainsi, 12 jours après le massacre de 14 paysans khmers à Svay A Ngong, l'aviation américano-sud-vietnamienne s'est livrée à une nouvelle attaque des populations civiles cambodgiennes sans défense. Il apparaît clairement que les autorités militaires des Etats-Unis responsables de ces atrocités entendent poursuivre leurs agressions meurtrières contre le Cambodge malgré les réactions de l'opinion internationale.

"Le Gouvernement royal adresse un nouvel appel à tous les pays du monde et aux organisations internationales en demandant que de nouvelles démarches soient effectuées auprès du Gouvernement américain pour un arrêt immédiat des actes barbares perpétrés contre le peuple khmer pacifique. Il importe de savoir si les Etats-Unis ont aujourd'hui le droit implicitement reconnu d'attaquer un pays Membre des Nations Unies et de se livrer librement à l'assassinat de sa population."

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies,
(Signé) Huor Sambath

DOCUMENT S/8707

Letter dated 31 July 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[1 August 1968]

On the instructions of my Government, and further to my letter of 31 July 1968 [S/8706], I have the honour to bring the following to your attention for the information of members of the Security Council.

By a note dated 18 July 1968 the Australian Embassy at Phnom Penh, which represents the interests of the

Lettre, en date du 31 juillet 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[1^{er} août 1968]

D'ordre de mon gouvernement et suite à ma lettre du 31 juillet 1968 [S/8706], j'ai l'honneur de vous faire tenir, pour l'information des membres du Conseil de sécurité, ce qui suit :

Par note en date du 18 juillet 1968, l'ambassade d'Australie à Phnom-Penh, représentant les intérêts des

"This applied even in cases where the landowners merely went elsewhere in Israel during the fighting. When they returned to their homes, they found their property taken over by the custodian.

"All told, about 1.6 million acres of Arab land was taken under this law, according to figures compiled by United Nations investigators.

"...

"Most of this land was subsequently turned over for Jewish settlement. Of 370 new Jewish settlements established between 1948 and 1953, 350 are on former Arab property.

"...

"The compensation is never adequate', said one Israel Arab whose family lost substantial property in the Jerusalem area. 'They offer you a fraction of what the land is worth, and you take that, or you get nothing.'

I should be grateful if this letter could be circulated as a document of the Security Council and the General Assembly.

(Signed) George J. TOMER
Permanent Representative of Syria
to the United Nations

prises en charge par le séquestre des biens des personnes absentes.

"Ces dispositions étaient applicables même lorsque les propriétaires fonciers s'étaient simplement rendus dans une autre région d'Israël pendant les combats. Lorsqu'ils ont regagné leurs foyers, leurs biens avaient été mis sous séquestre.

"Au total, environ 1 600 000 acres de terres arabes ont été saisies en application de cette loi, selon les données rassemblées par les enquêteurs de l'Organisation des Nations Unies.

"...

"La majeure partie de ces terres ont été attribuées à la colonisation juive. Sur les 370 nouveaux peuplements juifs qui se sont constitués de 1948 à 1953, 350 ont été installés sur des biens arabes.

"...

"L'indemnisation n'est jamais suffisante", a déclaré un Arabe d'Israël dont la famille a perdu des biens importants dans la région de Jérusalem. "On vous offre une fraction de la valeur de la terre et vous acceptez, sinon vous n'avez rien."

Je vous serais reconnaissant de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité et de l'Assemblée générale.

Le représentant permanent de la Syrie
auprès de l'Organisation des Nations Unies,
(Signé) George J. TOMER.

DOCUMENT S/8745

Letter dated 12 August 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[12 August 1968]

On the instructions of my Government, and further to my letter of 31 July 1968 [S/8707], I have the honour to bring the following to your attention for the information of members of the Security Council.

On 17 July 1968, at about 2.15 p.m., a river vessel of the United States armed forces of the type LCU 1577 violated Cambodia's territorial waters to a distance of approximately 2,000 metres in the area of Kaam Samnar, province of Kandal. The Royal Khmer Navy intercepted and seized the vessel with its crew, consisting of eleven Americans and one South Viet-Nameese militiaman.

The Royal Government of Cambodia protested vigorously on 20 July 1968 against this new violation of Cambodia's national territory. It demanded that the Government of the United States of America should put an end to its warlike acts of violation, provocation and criminal aggression, which have been occurring almost daily.

I should be grateful if you would arrange for this letter to be circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

Lettre, en date du 12 août 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[12 août 1968]

D'ordre de mon gouvernement et suite à ma lettre du 31 juillet 1968 [S/8707], j'ai l'honneur de vous faire tenir, pour l'information des membres du Conseil de sécurité, ce qui suit.

Le 17 juillet 1968 vers 14 h 15, un engin fluvial des forces armées américaines LCU 1577 a violé les eaux territoriales du Cambodge sur une profondeur de 2 000 mètres environ dans la région de Kaam Samnar, province de Kandal. L'engin en question a été intercepté et capturé avec son équipage composé de 11 militaires américains et d'un milicien sud-vietnamien par la marine royale khmère.

Le Gouvernement royal du Cambodge a protesté énergiquement le 20 juillet 1968 contre cette nouvelle violation du territoire national du Cambodge. Il a exigé que le Gouvernement des Etats-Unis d'Amérique mette fin à ses actes bellicistes de violation, de provocation et d'agressions criminelles enregistrés presque tous les jours.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies,
(Signé) HUOT Sambath

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Letter dated 12 August 1968 from the representative of Cambodia to the President of the Security Council

[Oral version of text]
[12 August 1968]

On the instructions of my Government, and in reply to my letter of 12 August 1968 [S. 8745], I have the honour to bring the following to your attention, for the information of members of the Security Council:

On 9 June 1968, at about 4.20 p.m., three United States-South Viet-Nameese aircraft, including one L-19, bombed and machine-gunned an area on the Khmer-Viet-Nameese border 500 metres inside Cambodian territory, village of Tanou, commune of Chambak, district and province of Svay Rieng. A cow belonging to an inhabitant of that village was seriously wounded.

On the morning of 11 June a United States-South Viet-Nameese F-105 aircraft violated Cambodian air space to a distance of 10,000 metres and flew over the district of Romeas Hek, in the province of Svay Rieng. The aircraft flew over the district several times before returning to South Viet-Nam.

On 12 June, at about 2 a.m., seven United States-South Viet-Nameese helicopters, guided by an observation aircraft, opened fire with machine-guns and, after dropping flares, launched rockets against the area around the Khmer post of the Provincial Guard of Prey Khmounh, situated 300 metres inside the frontier, in the commune of Som, district of Preah Bat Cheanchum, province of Takeo. A little later, at about 5 a.m., a strong force of United States-South Viet-Nameese troops covered by helicopters and an observation aircraft penetrated Khmer territory and fired on the above-mentioned post for two hours. A Khmer villager named Mom Thay was wounded.

On 14 June, at about 7.40 a.m., a United States-South Viet-Nameese aircraft flew over the communes of Choam and Choam Kravien, district of Mimot, province of Kompong Cham.

On the same day, at about 10.50 a.m., a United States-South Viet-Nameese F-105 aircraft flew several times over the communes of Rong, Chan Moul and Choam, district of Mimot, in the same province.

On 21 June, at about 5.55 a.m., three twin-engine United States-South Viet-Nameese aircraft flew over the communes of Rong, Tramoung, Triek and Dar, in the same district of Mimot, Kompong Cham.

On 22 June, at about 5 p.m., a United States-South Viet-Nameese F-105 flew over the post of the Provincial Guard at Bavet, district of Svay Teap, province of Svay Rieng, at an altitude of about 1,500 metres.

On 23 June, at about 8 p.m., a United States-South Viet-Nameese L-19 reconnaissance aircraft flew over that same post at an altitude of about 1,000 metres.

On 24 June, at about 2.45 p.m., a United States-South Viet-Nameese helicopter flew over the post of the Provincial Guard at Leach, commune of Choam, district of Mimot, province of Kompong Cham.

On 25 June, at about 10 a.m., a United States-South Viet-Nameese aircraft flew over the same district at an altitude of about 3,000 metres.

On the same day, three United States-South Viet-Nameese B-52 aircraft flew over the same area three

Lettre, en date du 12 août 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[12 août 1968]

D'ordre de mon gouvernement et suite à ma lettre du 12 août 1968 [S. 8745], j'ai l'honneur de vous faire tenir, pour l'information des membres du Conseil de sécurité, ce qui suit.

Le 9 juin 1968 vers 16 h 20, trois avions américano-sud-vietnamiens dont un L-19 ont bombardé et mitraillé une zone située en bordure de la frontière khméro-vietnamienne et à 500 mètres à l'intérieur du territoire du Cambodge, dans le village de Tanou, commune de Chambak, district et province de Svay Rieng. Une vache appartenant à un villageois du dit village a été grièvement blessée.

Dans la matinée du 11 juin, un avion F-105 américano-sud-vietnamien a violé l'espace aérien du Cambodge sur une profondeur de 10 000 mètres pour venir survoler le district de Romeas Hek, dans la province de Svay Rieng. L'avion a fait plusieurs tours sur ledit district avant de regagner le Sud-Viet-Nam.

Le 12 juin, vers 2 heures, sept hélicoptères américano-sud-vietnamiens, guidés par un avion d'observation, ont mitraillé et lancé des roquettes après avoir tiré des fusées éclairantes sur les environs du poste khmer de la garde provinciale de Prey Khmounh situé à 300 mètres en deçà de la frontière, dans la commune de Som, district de Preah Bat Cheanchum, province de Takeo. Un peu plus tard, vers 5 heures, un fort élément des forces américano-sud-vietnamiennes couvert par des hélicoptères et un avion d'observation a pénétré en territoire khmer et ouvert le feu sur le poste susdit pendant deux heures. Un villageois khmer nommé Mom Thay a été blessé.

Le 14 juin, vers 7 h 40, un avion américano-sud-vietnamien a survolé les communes de Choam et Choam Kravien, district de Mimot, province de Kompong Cham.

Le même jour, vers 10 h 50, un avion F-105 américano-sud-vietnamien a survolé à plusieurs reprises les communes de Rong, Chan Moul et Choam, district de Mimot, de la même province.

Le 21 juin, vers 5 h 55, trois avions bimoteurs américano-sud-vietnamiens ont survolé les communes de Rong, Tramoung, Triek et Dar, du même district de Mimot, en Kompong Cham.

Le 22 juin, vers 17 heures, un avion F-105 américano-sud-vietnamien a survolé le poste de la garde provinciale de Bavet, district de Svay Teap; province de Svay Rieng à 1 500 mètres environ d'altitude.

Le 23 juin, vers 20 heures, un avion de reconnaissance L-19 américano-sud-vietnamien a survolé encore ledit poste à 1 000 mètres environ d'altitude.

Le 24 juin, vers 14 h 45, un hélicoptère américano-sud-vietnamien a survolé le poste de la garde provinciale de Leach, commune de Choam, district de Mimot, province de Kompong Cham.

Le 25 juin, vers 10 heures, un avion américano-sud-vietnamien a survolé le même district à 3 000 mètres environ d'altitude.

Le même jour, trois avions B-52 américano-sud-vietnamiens ont survolé à trois reprises la même région

vers 14 h 30 p.m., vers 15 h 15 p.m., vers 16 h 15 p.m. et vers 17 h 30 p.m.

On 29 juin, trois F-105 américains, deux F-105 américains et un F-105 américain ont survolé encore cette région à deux reprises vers 10 h 30 et 11 h 15, à 2 000 mètres d'altitude.

On 30 juin, vers 11 h 45 p.m. et 11 h 50 p.m., un F-105 américain et un F-105 américain ont survolé encore cette même région de Bavet, respectivement à 2 000 mètres et 1 000 mètres d'altitude.

The Royal Government of Cambodia has vigorously protested against these new violations of Cambodia's air space by the United States-South Viet-Namense forces, followed in some cases by aggression. It has demanded that the Governments of the United States of America and the Republic of Viet-Nam should put an immediate end to these acts.

I should be grateful if you would arrange for this letter to be circulated as a Security Council document.

(Signed) Huot Sambath
Permanent Representative of Cambodia
to the United Nations

à 13 h 30, 17 heures et 17 h 15, à 3 000 mètres d'altitude.

Le 29 juin, trois avions F-52 américains sud-vietnamiens ont survolé encore cette région à deux reprises vers 10 h 30 et 11 h 15, à 2 000 mètres d'altitude.

Le 30 juin, vers 13 h 50 et 23 h 45, deux avions F-105 et un avion L-19 américano-sud-vietnamiens ont survolé encore cette même région de Bavet, respectivement à 2 000 mètres et 1 000 mètres d'altitude.

Le Gouvernement royal du Cambodge a protesté énergiquement contre ces nouvelles violations de l'espace aérien du Cambodge par les forces américano-sud-vietnamiennes, suivies dans certains cas d'agression. Il a exigé que les Gouvernements des Etats-Unis d'Amérique et de la République du Viet-Nam mettent fin immédiatement à de tels actes.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies,
(Signed) Huot Sambath

DOCUMENT S/8748

Letter dated 13 August 1968 from the representative of Cambodia to the President of the Security Council

(Original text: French)
[14 August 1968]

On the instructions of my Government, and further to my letter of 1 August 1968 [S/8712], I have the honour to bring to your attention, for the information of members of the Security Council, the text of a statement of the Royal Government of Cambodia dated 31 July 1968, as follows:

"According to an article published on 26 July 1968 by the British newspaper *The Daily Telegraph* on the basis of information gathered by the Saigon correspondent, the United States armed forces were preparing new measures against Cambodia, which is accused of providing a sanctuary for nine or ten North Viet-Namense regiments. A system of electronic listening devices installed at sites opposite the known communist sanctuaries in Cambodia (*sic*) would prevent troop and supply movements across the frontier and would make it possible to launch rapid reprisal actions. However, the newspaper adds, the United States military believe that it would be easier and more effective to attack before the first enemy move.

"The Royal Government of Cambodia wishes to denounce these criminal projects which have no military justification and to emphasize once again the absurdity of the accusations concerning the presence of North Viet-Namense bases and troops in Khmer territory. The increase in terrorist acts by United States aircraft against the civilian population of Cambodia, such as the Svay A Ngong massacre, shows clearly that the United States is to an ever greater extent practising a policy of indiscriminate genocide directed against all the Indo-Chinese peoples. The so-called 'reprisals' with which peaceful

Lettre, en date du 13 août 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

(Texte original en français)
[14 août 1968]

D'ordre de mon gouvernement et suite à ma lettre du 1^{er} août 1968 [S/8712], j'ai l'honneur de vous faire tenir, pour l'information des membres du Conseil de sécurité, le texte ci-après de la déclaration du Gouvernement royal du Cambodge, en date du 31 juillet 1968 :

"Selon un article publié le 26 juillet 1968 par le journal britannique *The Daily Telegraph* à partir des informations recueillies par son correspondant à Saigon, les forces armées américaines prépareraient de nouvelles mesures contre le Cambodge accusé d'être le sanctuaire de 9 ou 10 régiments nord-vietnamiens. Un système d'écoutes électroniques installé dans les endroits opposés aux sanctuaires communistes connus au Cambodge (*sic*) préviendrait des mouvements de troupes et de ravitaillement à travers la frontière et permettrait de lancer rapidement des actions de représailles. Mais, ajoute le journal, les militaires américains estiment qu'il serait plus simple et plus efficace d'attaquer avant le premier mouvement ennemi.

"Le Gouvernement royal du Cambodge tient à dénoncer ces projets criminels sans aucune justification militaire et souligne de nouveau l'absurdité des accusations concernant la présence de bases et de troupes nord-vietnamiennes en territoire khmer. La multiplication des actions terroristes de l'aviation américaine contre les populations civiles cambodgiennes, tel le massacre de Svay A Ngong, indique nettement que les Etats-Unis pratiquent de plus en plus une politique de génocide indifférencié sur tous les peuples indochinois. Les prétendues "représailles" dont le Cambodge pacifique et rigoureusement neutre

There is, however, no basis for consideration of this matter by the Security Council. As you are aware, military units of the socialist countries have entered the territory of the Czechoslovak Socialist Republic pursuant to a request by the Government of that State, which appealed to allied Governments for assistance, including assistance in the form of armed forces, in view of the threat created by foreign and domestic reaction to the socialist social order and the constitutional State system of Czechoslovakia. The Soviet Government and the Governments of other allied States decided to meet the Czechoslovak Government's request for military assistance in conformity with mutual treaty obligations and on the basis of the relevant provisions of the United Nations Charter.

Needless to say, the above-mentioned military units will be withdrawn from the territory of the Czechoslovak Socialist Republic as soon as the present threat to security is eliminated and the lawful authorities find that the presence of those units is no longer necessary.

The actions of the Soviet Union and other socialist countries are prompted by concern for strengthening peace and ensuring that the foundations of European security are not undermined. Attempts to present these actions in a different light can in no way alter our peaceful intentions or diminish the right of the socialist countries to individual and collective self-defence.

The Soviet Government has repeatedly warned that the attempts of imperialist reaction to interfere in the domestic affairs of the Czechoslovak Socialist Republic and in relations between the socialist countries will not be tolerated and will be firmly rebuffed. It takes this opportunity to call once again upon all States to observe strictly the principles of respect for sovereignty and independence and of the inadmissibility of direct or indirect aggression against other States and peoples.

On the instructions of the Soviet Government, I wish to inform you that the Soviet Union vigorously opposes consideration of this question by the Security Council, since that would serve the interests of certain foreign circles, which represent forces of aggression. The events in Czechoslovakia are a matter that concerns the Czechoslovak people and the States of the socialist community, which are bound by appropriate mutual obligations.

I should be grateful if you would circulate this letter as an official Security Council document.

(Signed) Y. MALIK
Permanent Representative of the
Union of Soviet Socialist Republics
to the United Nations

DOCUMENT S/8763

Letter dated 21 August 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[22 August 1968]

On the instructions of my Government and further to my letter of 13 August 1968 [S/8748], I have the

Or rien ne justifie l'examen de cette question par le Conseil de sécurité. Comme on le sait, des unités militaires des pays socialistes ont pénétré sur le territoire de la République socialiste tchécoslovaque sur la requête du Gouvernement de cet Etat, qui a demandé l'aide des gouvernements alliés, y compris l'aide de forces armées, du fait des menaces créées par la réaction extérieure et intérieure pour le système socialiste et pour la qualité d'Etat établie par la Constitution tchécoslovaque. Le Gouvernement soviétique et les gouvernements d'autres Etats alliés ont décidé de faire droit à la demande d'assistance militaire du Gouvernement tchécoslovaque conformément aux obligations prévues par les traités conclus entre ces gouvernements et sur la base des dispositions pertinentes de la Charte des Nations Unies.

Il va sans dire que les unités militaires susmentionnées seront retirées du territoire de la République tchécoslovaque aussitôt que la menace actuelle à la sécurité aura été écartée et que les autorités légitimes auront estimé que la présence de ces unités n'est plus nécessaire sur ce territoire.

Les actes de l'Union soviétique et d'autres pays socialistes sont dictés par le souci de consolider la paix et par la volonté de ne pas tolérer que soient sapés les fondements de la sécurité européenne. Les tentatives faites pour présenter ces actes sous un autre jour ne peuvent rien changer à nos intentions pacifiques ni porter atteinte au droit de légitime défense, individuelle et collective, des pays socialistes.

Le Gouvernement soviétique a averti à maintes reprises que les tentatives faites par la réaction impérialiste pour s'ingérer dans les affaires intérieures de la République socialiste tchécoslovaque et dans les relations entre les pays socialistes ne seraient pas tolérées et se heurteraient à une riposte décisive. Il saisit cette occasion pour engager de nouveau tous les Etats à observer strictement les principes du respect de la souveraineté et de l'indépendance, ainsi que de l'inadmissibilité de toute agression directe et indirecte contre d'autres Etats et d'autres peuples.

D'ordre du Gouvernement soviétique, je porte à votre connaissance que l'Union soviétique est résolument opposée à l'examen de cette question au Conseil de sécurité, car cela servirait les intérêts de certains milieux étrangers, à savoir les forces de l'agression. Les événements de Tchécoslovaquie concernent le peuple tchécoslovaque et les Etats de la communauté socialiste, liés les uns aux autres par les obligations mutuelles appropriées.

Je vous serais obligé de faire distribuer le texte de la présente lettre comme document officiel du Conseil de sécurité.

Le représentant permanent
de l'Union des Républiques socialistes soviétiques
auprès de l'Organisation des Nations Unies,
(Signé) Y. MALIK

Lettre, en date du 21 août 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[22 août 1968]

D'ordre de mon gouvernement et suite à ma lettre du 13 août 1968 [S/8748], j'ai l'honneur de vous faire

honour to bring the following to your attention for the information of members of the Security Council.

On 4 June 1968, at about 5 p.m., United States-South Viet-Nameese soldiers fired on Khmer territory. Three shells fell in the commune of Banteay Kraing, district of Kompong Rau, province of Svay Rieng, at a point 400 metres from the frontier.

On 8 June, at about 3.30 p.m., a mine which had been laid by the United States-South Viet-Nameese forces exploded at a point 300 metres inside Cambodian territory in the commune of Kruos, district of Svay Rieng, province of Svay Rieng, wounding two ox-drivers.

On 9 June, another mine which had been laid by the same forces exploded in the commune of Kokisom, district of Rumduol, province of Svay Rieng, wounding two villagers living in that commune.

On 10 June, at about 3.30 p.m., United States-South Viet-Nameese soldiers entered Cambodian territory in the communes of Samyong and Preah Banlea, district of Kompong Rau, province of Svay Rieng, and seized nine Khmer inhabitants, whom they took back to Viet-Nameese territory with them.

On 11 June, at about 11.45 a.m., the United States-South Viet-Nameese forces fired seven shells into Cambodian territory. Three of these shells caused damage to the Smach provincial guard post and a dwelling in the commune of Trapeang Plong, district of Thbaung Khmum, province of Kompong Cham.

On 13 June, at about 10.30 a.m., the same forces fired several rounds of artillery at the village of Talo, which is situated 1,500 metres inside Cambodian territory in the commune of Choan, district of Mimot, province of Kompong Cham.

On 15 June, at about 11 p.m., the same forces fired several rounds of artillery at the village of Beng Chraung in the same commune of Choan.

On 16, 17 and 18 June, at about 2.30 p.m., 7 p.m., and 9.30 p.m. respectively, the same forces fired several rounds of artillery at the provincial guard post at Peam Montea, district of Kompong Trabek, province of Prey Veng.

On 17 June, at about 3.20 p.m., the Khmer village of Sangkum Mean Chey, which is situated in the district of Koh Andeth, province of Takeo, was subjected to shelling by the same forces. A house was completely destroyed, and the village suffered extensive damage.

On 20 June, at 8.30 a.m., soldiers of the United States-South Viet-Nameese forces coming from the post at Cai Van (Chaudoc) entered Cambodian territory in the commune of Peam Montea, district of Kompong Trabek, province of Prey Veng, and fired several bursts with automatic weapons, mortally wounding the one-year-old daughter of a guard private. Several minutes later, an L-19 spotter plane appeared and machine-gunned the military headquarters post in the same commune, mortally wounding a nine-month-old girl. The same day, at about 9.40 a.m., another aircraft flew over the same locality and fired a rocket at the provincial guard post. The enclosure surrounding the post was damaged.

On 19, 21, 22 and 23 June, the United States-South Viet-Nameese forces fired a number of rounds of artiller-

tenir, pour l'information des membres du Conseil de sécurité, ce qui suit :

Le 4 juin 1968, vers 17 heures, les militaires américano-sud-vietnamiens ont tiré sur le territoire khmer. Trois obus sont tombés dans la commune de Banteay Kraing, district de Kompong Rau, province de Svay Rieng, à 400 mètres de la frontière.

Le 8 juin, vers 15 h 30, une mine posée par les forces américano-sud-vietnamiennes a explosé à un endroit situé à 300 mètres à l'intérieur du territoire du Cambodge, dans la commune de Kruos, district de Svay Rieng, province de Svay Rieng, blessant deux gardiens de bœufs.

Le 9 juin, une autre mine posée par les forces américano-sud-vietnamiennes a explosé dans la commune de Kokisom, district de Rumduol, province de Svay Rieng, blessant deux autres villageois de ladite commune.

Le 10 juin, vers 15 h 30, des militaires américano-sud-vietnamiens ont pénétré dans le territoire du Cambodge, dans les communes de Samyong et Preah Banlea, district de Kompong Rau, province de Svay Rieng, et ont emmené de force en territoire vietnamien neuf habitants khmers.

Le 11 juin, vers 11 h 45, les forces américano-sud-vietnamiennes ont tiré sept obus sur le territoire du Cambodge. Trois de ces obus ont endommagé le poste de la garde provinciale de Smach et une maison d'habitation de la commune de Trapeang Plong, district de Thbaung Khmum, province de Kompong Cham.

Le 13 juin, vers 10 h 30, les forces américano-sud-vietnamiennes ont tiré des coups de canon sur le village de Talo situé à 1 500 mètres à l'intérieur du Cambodge dans la commune de Choan, district de Mimot, province de Kompong Cham.

Le 15 juin, vers 23 heures, les forces américano-sud-vietnamiennes ont tiré des coups de canon sur le village de Beng Chraung de la même commune de Choan.

Les 16, 17 et 18 juin, vers 14 h 30, 19 heures et 21 h 30, les forces américano-sud-vietnamiennes ont tiré des coups de canon sur le poste de la garde provinciale de Peam Montea, district de Kompong Trabek, province de Prey Veng.

Le 17 juin, vers 15 h 20, le village khmer de Sangkum Mean Chey, situé dans le district de Koh Andeth, province de Takeo, a été bombardé par l'artillerie des forces américano-sud-vietnamiennes. Une maison a été complètement détruite et des dégâts importants ont été relevés dans le village.

Le 20 juin, à 8 h 30, des militaires des forces américano-sud-vietnamiennes venant du poste de Cai Van (Chaudoc) ont pénétré dans le territoire du Cambodge, dans la commune de Peam Montea, district de Kompong Trabek, province de Prey Veng, et y ont tiré plusieurs rafales d'armes automatiques, blessant mortellement une fille âgée d'un an d'un garde de 2^e classe. Quelques minutes après, un avion d'observation L-19 est venu mitrailler le PC militaire de la même commune, blessant mortellement une fille âgée de neuf mois. Le même jour, vers 9 h 40, un autre avion est venu survoler le même lieu et lancer une roquette sur le poste de la garde provinciale. La clôture du poste a été touchée et endommagée.

Les 19, 21, 22 et 23 juin, les forces américano-sud-vietnamiennes ont bombardé à coups d'artillerie les

tery into the Khmer frontier communes of Koh Sampeou (district of Peam Chor, province of Prey Veng), Banteay Kraing (district of Kompong Rau, province of Svay Rieng), Beng Chraung (district of Mimot, province of Kompong Cham) and Phnom Den (district of Preah Bat Choam Chum, province of Takeo). Four oxen were killed and two houses severely damaged in the commune of Banteay Kraing. In the commune of Beng Chraung, the roof of the temple and a pagoda enclosure were damaged.

On 27 June, at about 5 p.m., United States-South Viet-Nameese soldiers entered the Khmer commune of Thmei, district of Kompong Rau, province of Svay Rieng, and fired at a group of ox-drovers. The drovers escaped without injury, but two oxen were hit.

On 28 June, at about 9.30 a.m., United States-South Viet-Nameese soldiers entered the commune of Bavet, district of Svay Teap, province of Svay Rieng, and engaged the local Khmer defence forces.

On 20 July, at about 11.45 a.m., a group of United States-South Viet-Nameese soldiers from the post at Rung Dau (Tay Ninh) made an incursion into Cambodian territory and engaged a Cambodian patrol at a point 1,000 metres from the frontier in the commune of Bavet, district of Svay Teap, province of Svay Rieng. A private named Phok Yun Cheang was killed in the course of this aggression.

The Royal Government of Cambodia has protested vigorously against these new incursions and acts of aggression committed by the United States-South Viet-Nameese forces in Cambodian territory. It has demanded that the Governments of the United States and of the Republic of Viet-Nam should put an end to such acts and indemnify the victims.

I should be grateful if you would have this letter circulated as a Security Council document.

(Signed) Huor Sambath
Permanent Representative of Cambodia
to the United Nations

communes frontalières khmères de Koh Sampeou (district de Peam Chor, province de Prey Veng), Banteay Kraing (district de Kompong Rau, province de Svay Rieng), Beng Chraung (district de Mimot, province de Kompong Cham) et Phnom Den (district de Preah Bat Choam Chum, province de Takeo). Quatre bœufs ont été tués et deux maisons fortement endommagées dans la commune de Banteay Kraing. Dans celle de Beng Chraung, le toit du temple et l'enceinte d'une pagode ont été touchés et endommagés.

Le 27 juin, vers 17 heures, des militaires américano-sud-vietnamiens ont pénétré dans la commune khmère de Thmei, district de Kompong Rau, province de Svay Rieng, et tiré sur un groupe de gardiens de bœufs. Ces derniers ont pu se sauver sains et saufs, mais deux bœufs ont été blessés.

Le 28 juin, vers 9 h 30, des militaires américano-sud-vietnamiens ont fait intrusion dans la commune de Bavet, district de Svay Teap, province de Svay Rieng, et ont pris à partie les forces de défense khmères du lieu.

Le 20 juillet, vers 11 h 45, un groupe de militaires américano-sud-vietnamiens du poste de Rung Dau (Tay Ninh) a fait une incursion dans le territoire du Cambodge et pris à partie une patrouille cambodgienne à un endroit situé à 1 000 mètres de la frontière, dans la commune de Bavet, district de Svay Teap, province de Svay Rieng. Un soldat de 2^e classe nommé Phok Yun Cheang a été tué au cours de cette agression.

Le Gouvernement royal du Cambodge a protesté énergiquement contre ces nouvelles incursions et agressions commises par les forces américano-sud-vietnamiennes dans le territoire du Cambodge. Il a exigé que les Gouvernements des Etats-Unis d'Amérique et de la République du Viet-Nam mettent fin à de tels actes et dédommagent les victimes.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies,
(Signé) Huor Sambath

DOCUMENT S/8764

Letter dated 21 August 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[22 August 1968]

On the instructions of my Government and further to my letter of 25 July 1968 [S/8694], I have the honour to bring the following to your attention for the information of members of the Security Council.

On 10 July 1968, at about 10 a.m., a Cambodian patrol detonated a Thai mine which had been laid at a point 200 metres inside Cambodian territory in Khemarak Phouminville. Three soldiers were seriously wounded, namely Corporal Taing Heng, Lance Corporal Sieng Sorn and Private Sou Saphan.

During the night of 10-11 July, at about 9 p.m., Cambodian soldiers on sea patrol came upon and captured a Thai motor-junk which was engaging in clandestine fishing operations in Cambodian territorial waters off

Lettre, en date du 21 août 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[22 août 1968]

D'ordre de mon gouvernement et suite à ma lettre du 25 juillet 1968 [S/8694], j'ai l'honneur de vous faire tenir, pour l'information des membres du Conseil de sécurité, ce qui suit.

Le 10 juillet 1968, vers 10 heures, une patrouille cambodgienne a sauté sur une mine thaïlandaise posée à 200 mètres à l'intérieur du territoire du Cambodge, dans Khemarak Phouminville. Trois militaires ont été gravement blessés dont le caporal Taing Heng, le soldat de 1^{er} classe Sieng Sorn et le soldat de 2^e classe Sou Saphan.

Dans la nuit du 10 au 11 juillet, vers 21 heures, les militaires cambodgiens ont surpris au cours d'une patrouille en mer et capturé une jonque à moteur thaïlandaise en train de pratiquer la pêche clandestine dans

"The Government of Jamaica wishes to place on record its strongest protest at the invasion of the sovereign state of Czechoslovakia by foreign troops in violation of the Charter of the United Nations and the accepted rights of any State to territorial integrity and political independence. Jamaica urges all possible effective action to secure withdrawal of occupation forces from the territory of Czechoslovakia and to protect the interest of the people of Czechoslovakia."

The *Chargé d'affaires* a.i. of the Permanent Mission of Jamaica has the honour to request that the statement immediately be circulated as a document of the Security Council.

"Le Gouvernement jamaïcain souhaite élever officiellement sa protestation la plus vigoureuse devant l'invasion de l'Etat souverain de Tchécoslovaquie par des troupes étrangères, en violation de la Charte des Nations Unies et des droits reconnus de tout Etat à l'intégrité territoriale et à l'indépendance politique. La Jamaïque demande notamment que toutes les mesures possibles soient prises pour assurer le retrait des forces d'occupation du territoire tchécoslovaque et pour sauvegarder les intérêts du peuple tchécoslovaque."

Le chargé d'affaires par intérim de la mission permanente de la Jamaïque prie le Secrétaire général de faire distribuer immédiatement le texte de cette déclaration comme document officiel du Conseil de sécurité.

DOCUMENT S/8781

Letter dated 27 August 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[27 August 1968]

On instructions from my Government and further to my letter of 13 August 1968 [S/8748] relative to a statement by the Royal Government of Cambodia concerning the slanderous and malicious accusations made by the United States military authorities in Saigon and reported by the Western Press, in particular by *The Daily Telegraph* of London, to the effect that so-called "Viet-Cong bases" existed in Cambodia, I have the honour to inform you that on 9 August 1968 the Royal Government officially submitted the matter to the International Commission for Supervision and Control in Cambodia, asking it to "search all the areas involved and, if need be, all of Cambodian territory in order to determine whether these accusations are true".

I should be grateful if you would have the text of this letter circulated as a Security Council document.

(Signed) Hnor Sambath
Permanent Representative of Cambodia
to the United Nations

Lettre, en date du 27 août 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[27 août 1968]

D'ordre de mon gouvernement et suite à ma lettre du 13 août 1968 [S/8748] relative à une déclaration du Gouvernement royal du Cambodge concernant les accusations calomnieuses et malveillantes des autorités militaires américaines de Saigon selon lesquelles il existerait des soi-disant "bases Vietcong" au Cambodge, et rapportées par la presse occidentale, en particulier par le *Daily Telegraph* de Londres, j'ai l'honneur de vous informer que le Gouvernement royal a saisi officiellement le 9 août 1968 la Commission internationale de surveillance et de contrôle au Cambodge, lui demandant de "fouiller les régions impliquées et au besoin tout le territoire cambodgien pour vérifier ces accusations".

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies
(Signé) Hnor Sambath

DOCUMENT S/8782

Letter dated 27 August 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[27 August 1968]

On instructions from my Government and further to my letter of 21 August 1968 [S/8763], I have the honour to bring the following to your attention as the information of the members of the Security Council:

On 19 July 1968, at about 5 a.m., the members of the United States Sixth Viet-Nam Force, 1st and 2nd battalions, at the Provincial Guard post of Prek Chik, commune of Ruksay Srok, district of Kampong Trach, province of Kampong Thom, fell on the territory of the Provincial Guard post itself, including a guard named Prom Peou and his wife.

Lettre, en date du 27 août 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[27 août 1968]

D'ordre de mon gouvernement et suite à ma lettre du 21 août 1968 [S/8763], j'ai l'honneur de vous faire tenir, pour l'information des membres du Conseil de sécurité, ce qui suit:

Le 19 juillet 1968, vers 5 heures, l'entaille des forces américaines du Vietnam a défilé dans les environs du poste de la garde provinciale de Prek Chik, commune de Ruksay Srok, district de Kampong Trach, province de Kampong Thom. Cinq d'entre eux sont tombés, aux environs du poste et un sur le poste même. Mesurent un garde nommé Prom Peou et son épouse.

On 4 August, at about 7.30 a.m., a group of military personnel of the United States-South Viet-Namese forces from the Vinh Gia (Chaudoc) post made an incursion into Cambodian territory to a distance of 500 metres and fired on Khmer peasants engaged in field work. One of those peasants was killed on the spot. The incident took place in the commune of Prey Rondeng, district of Kirivong, province of Takeo.

On 10 August, at about 10.30 a.m., military personnel of the United States-South Viet-Namese forces from the Doc Hue post fired rounds of artillery at the Khmer frontier area of Chantrea, province of Svay Rieng. One Cambodian soldier, Sok Sarin, was wounded.

The Royal Government of Cambodia has protested vigorously against these new acts of aggression committed against Cambodia by the United States-South Viet-Namese armed forces. It has demanded that the Governments of the United States of America and the Republic of Viet-Nam should put an end to these criminal acts and indemnify the victims or their families.

I should be grateful if you would have the text of this letter circulated as a Security Council document.

(Signed) Huor Sambath
Permanent Representative of Cambodia
to the United Nations

Le 4 août, vers 7 h 30, un groupe de militaires des forces américo-sud-vietnamiennes du poste de Vinh Gia (Chaudoc) a fait une incursion dans le territoire du Cambodge sur une profondeur de 500 mètres et a tiré sur les paysans khmers qui étaient en train de s'adonner aux travaux champêtres. Un de ces paysans a été tué sur place. L'incident a eu lieu dans la commune de Prey Rondeng, district de Kirivong, province de Takeo.

Le 10 août, vers 10 h 30, les militaires des forces américo-sud-vietnamiennes du poste de Doc Hue ont déclenché des tirs d'artillerie sur la région frontalière khmère de Chantrea, province de Svay Rieng. Un militaire cambodgien nommé Sok Sarin a été blessé.

Le Gouvernement royal du Cambodge a protesté énergiquement contre ces nouvelles agressions commises par les forces armées américo-sud-vietnamiennes contre le Cambodge. Il a exigé que les Gouvernements des Etats-Unis d'Amérique et de la République du Viet-Nam mettent fin à ces actes criminels et qu'ils dédommagent les victimes ou leurs familles.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies.

(Signé) Huor Sambath

DOCUMENT S/8783

Letter dated 27 August 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[27 August 1968]

On instruction from my Government and further to my letter of 21 August 1968 [S/8764], I have the honour to bring the following to your attention for the information of the members of the Security Council.

On 1 August 1968, at about 1.30 p.m., a Cambodian military detachment from the Kauk Romiet sub-barracks, *srok* of Thmar Puok, province of Battambang, while on a reconnaissance patrol, was engaged by a group of Thai soldiers, estimated at 100 persons, at a point situated 3 kilometres inside the frontier and approximately 3 kilometres north-west of the post. The incident resulted in the death of Private Second Class Buor Mao.

The Royal Government of Cambodia has vigorously protested against this new act of aggression deliberately committed by the Thai military. It has demanded that the Royal Government of Thailand should put an end to such acts.

I should be grateful if you would have the text of this letter circulated as a Security Council document.

(Signed) Huor Sambath
Permanent Representative of Cambodia
to the United Nations

Lettre, en date du 27 août 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[27 août 1968]

D'ordre de mon Gouvernement et suite à ma lettre du 21 août 1968 [S/8764], j'ai l'honneur de vous faire tenir, pour l'information de membres du Conseil de sécurité, ce qui suit.

Le 1^{er} août 1968 vers 13 h 30, un détachement militaire cambodgien du sous-quartier de Kauk Romiet, *srok* de Thmar Puok, province de Battambang, a été pris à partie, au cours d'une patrouille de surveillance du territoire, par un groupe de soldats thaïlandais évalué à une centaine de personnes, à un endroit situé à 3 kilomètres en deçà de la frontière et à environ 3 kilomètres au nord-ouest du poste. L'incident a causé la mort d'un soldat de 2^e classe nommé Buor Mao.

Le Gouvernement royal du Cambodge a protesté énergiquement contre cette nouvelle agression commise délibérément par les militaires thaïlandais. Il a exigé que le Gouvernement royal de Thaïlande y mette fin.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies.

(Signé) Huor Sambath

independent nation should be respected and that the People of Czechoslovakia should be in a position to determine their own future without interference or pressure from outside."

I should be grateful if this letter could be circulated as an official document of the Security Council.

(Signed) H. Roeslan ABDULGANI
Permanent Representative of Indonesia
to the United Nations

peuple tchécoslovaque doit être respectée et que le peuple de Tchécoslovaquie doit pouvoir déterminer son propre avenir sans intervention ni pression de l'extérieur."

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre comme document officiel du Conseil de sécurité.

Le représentant permanent de l'Indonésie
auprès de l'Organisation des Nations Unies,
(Signé) H. Roeslan ABDULGANI

DOCUMENT S/8800

Letter dated 3 September 1968 from the representative of Panama to the President of the Security Council

[Original text: Spanish]
[4 September 1968]

I have the honour to transmit herewith a declaration by the Government of the Republic of Panama concerning the armed invasion by the military forces of the Warsaw Pact of which Czechoslovakia has been the victim:

"The Government of the Republic of Panama wishes to register before the United Nations its most energetic protest against the presence of foreign troops in Czechoslovakia. Such a presence is contrary to the purposes and principles of the United Nations Charter, violates the principle of non-intervention in the internal affairs of other States, compromises the independence of Czechoslovakia and tramples underfoot its right to self-determination. There will never be true peace or international order based on law and the sovereign equality of States while the weak are subject to the whims of the strong through the arbitrary use of force or coercion. Consequently, the Republic of Panama reiterates its unshakable support for the right to coexistence and the self-determination of peoples and proclaims its firm decision to support any measure adopted by the United Nations to put an effective end to the situation which has given rise to this protest and which constitutes a threat to the security of Czechoslovakia and the peace of the world.

"(Signed) ELETA
"Minister for External Relations"

I should be grateful if you would arrange for this letter to be transmitted to all members of the Security Council.

(Signed) Didimo Rios
Deputy Permanent Representative of Panama
to the United Nations

Lettre, en date du 3 septembre 1968, adressée au Président du Conseil de sécurité par le représentant du Panama

[Texte original en espagnol]
[4 septembre 1968]

J'ai l'honneur de vous communiquer ci-après le texte de la déclaration que le Gouvernement de la République du Panama a faite à propos de l'invasion armée dont la Tchécoslovaquie a été victime du fait des forces militaires du Pacte de Varsovie :

"Le Gouvernement de la République du Panama élève auprès de l'Organisation des Nations Unies ses protestations les plus énergiques contre la présence de troupes étrangères en Tchécoslovaquie. Une telle présence est contraire aux principes et aux buts énoncés dans la Charte des Nations Unies, méconnaît le principe de la non-intervention dans les affaires intérieures des autres États, porte atteinte à l'indépendance de la nation qui a souffert aujourd'hui de cette présence et fait fi de son droit à l'autodétermination. Il n'y aura dans le monde ni de paix ni d'ordre véritables fondés sur le droit et l'égalité souveraine des États tant que les petits États pourront être soumis à la volonté des grandes puissances du fait de l'usage arbitraire de la force ou de la coercition. En conséquence, la République du Panama réitère sa position inébranlable qui consiste à appuyer le droit à la coexistence et à l'autodétermination des peuples et proclame sa ferme volonté d'appuyer toute mesure que pourra adopter l'Organisation des Nations Unies pour mettre effectivement fin à la situation qui motive cette protestation et qui constitue une menace pour la sécurité de la Tchécoslovaquie et pour la paix mondiale.

"Le Ministre des relations extérieures,
(Signé) ELETA"

Je vous saurais gré de bien vouloir faire distribuer le texte de la présente communication comme document officiel du Conseil de sécurité.

Le représentant permanent adjoint
de la République du Panama
auprès de l'Organisation des Nations Unies,
(Signé) Didimo Rios

DOCUMENT S/8801

Letter dated 4 September 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[5 September 1968]

On instructions from my Government and further to my letter of 27 August 1968 [S/8782], I have the

Lettre, en date du 4 septembre 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[5 septembre 1968]

Honneur de mon Gouvernement et suite à ma lettre du 27 août 1968 [S/8782], j'ai l'honneur de vous faire

honour to bring the following to your attention for the information of the members of the Security Council.

On 4 August 1968, at about 7.30 p.m., some thirty United States-South Viet-Namense soldiers made an incursion into Cambodian territory and opened fire on a group of Cambodian peasants who were engaged in field work in the village of Chea Pdey, commune of TA-O, district of Kirivong, province of Takeo. One of the peasants, Por Hy, was mortally wounded. His body was carried off to South Viet-Nam.

The Royal Government of Cambodia has protested vigorously against this new act of aggression against Cambodia. It has demanded that the Governments of the United States of America and the Republic of Viet-Nam should put an end to such acts and indemnify the family of the victim.

I should be grateful if you would have the text of this letter circulated as a Security Council document.

(Signed) Huot Sambath
Permanent Representative of Cambodia
to the United Nations

tenir, pour l'information des membres du Conseil de sécurité, ce qui suit :

Le 4 août 1968, vers 7 h 30, une trentaine de soldats américano-sud-vietnamiens ont fait une incursion dans le territoire du Cambodge et ouvert le feu sur un groupe de cultivateurs cambodgiens qui étaient en train de se livrer à des travaux champêtres dans le village de Chea Pdey, commune de TA-O, district de Kirivong, province de Takeo. Un des cultivateurs nommé Por Hy fut mortellement blessé. Son corps fut enlevé et emmené au Sud-Vietnam.

Le Gouvernement royal du Cambodge a protesté énergiquement contre cette nouvelle agression contre le Cambodge. Il a exigé que les Gouvernements des Etats-Unis d'Amérique et de la République du Viet-Nam mettent fin à de tels actes et indemnisent la famille de la victime.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies,
(Signé) Huot Sambath

DOCUMENT S/8802

Letter dated 3 September 1968 from the representative of Greece to the Secretary-General concerning the question of Cyprus

[Original text: English]
[6 September 1968]

I have the honour to refer to your letter dated 27 June 1968 [S/8664]²⁷ containing an urgent appeal to all Governments to make voluntary contributions in order to provide the necessary financial support for the United Nations Peace-keeping Operations in Cyprus.

In this connexion, I have been instructed to transmit to you the enclosed cheque of the Bank of Greece for amount of \$600,000 representing the contribution of the Greek Government to the United Nations Peace-keeping Force in Cyprus for the six-month period from 26 June to 26 December 1968.

The total of Greek contributions to the United Nations Peace-keeping Force in Cyprus since its inception now amounts to \$6,850,000.

I would like to avail myself of this opportunity to express once again the sincere appreciation of the Greek Government for the efforts made by UNFICYP to help maintain peace in Cyprus.

I should be grateful if you would have this communication circulated as a document of the Security Council.

(Signed) Dimitri S. BRSIOS
Permanent Representative of Greece
to the United Nations

Lettre, en date du 3 septembre 1968, adressée au Secrétaire général par le représentant de la Grèce concernant la question de Chypre

[Texte original en anglais]
[6 septembre 1968]

J'ai l'honneur de me référer à votre lettre du 27 juin 1968 [S/8664]²⁷ dans laquelle vous demandiez d'urgence à tous les gouvernements de verser des contributions volontaires de façon à couvrir le coût de la Force des Nations Unies chargée du maintien de la paix à Chypre.

A ce sujet, j'ai reçu pour instructions de vous transmettre le chèque ci-joint de 600 000 dollars sur la Banque de Grèce, somme qui représente la contribution du Gouvernement grec à la Force des Nations Unies chargée du maintien de la paix à Chypre pour la période de six mois allant du 26 juin au 26 décembre 1968.

Les contributions que la Grèce a versées à la Force des Nations Unies à Chypre depuis la création de la Force se chiffrent maintenant au total à 6 850 000 dollars.

Je tiens à cette occasion à vous dire une fois encore combien le Gouvernement grec est sincèrement reconnaissant à la Force des Nations Unies de ce qu'elle fait pour aider à maintenir la paix à Chypre.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente communication comme document du Conseil de sécurité.

Le représentant permanent de la Grèce
auprès de l'Organisation des Nations Unies,
(Signé) Dimitri S. BRSIOS

²⁷ See page 31 in the present supplement

²⁷ Voir p. 31 du présent supplément

well as commandos of the United States Special Forces—periodically infiltrate into Cambodian territory. But it wishes to stress that it is not feasible to have installed in Cambodia the permanent bases dreamed up by the United States military authorities to explain the failure of their operations against a national resistance which draws its strength from the support of the Viet-Nameese people and not from the alleged complicity of Cambodia. The International Control Commission and all international observers are well aware that the Royal Cambodian armed forces, backed by the population, do not tolerate the presence of any foreign military installation on Cambodian territory and will repel all foreign elements, armed or not, which cross the borders of Cambodia.

"Lastly, the Royal Government is once again surprised that the United States confines its official accusations to militarily neutral Cambodia whereas all the socialist countries are openly providing assistance in the form of war material to the Viet-Nameese fighters."

I should be grateful if you would arrange for this letter to be circulated as a Security Council document.

(Signed) Huor Sambath
Permanent Representative of Cambodia
to the United Nations

comme d'ailleurs des commandos des *Special Forces* des Etats Unis — s'infiltrèrent périodiquement en territoire khmer. Mais il souligne l'impossibilité d'installation au Cambodge de ces bases permanentes imaginées par les autorités militaires américaines pour expliquer les échecs de leurs opérations contre une résistance nationale qui tire sa force du soutien du peuple vietnamien et non de la prétendue complicité du Cambodge. La Commission internationale de contrôle et tous les observateurs internationaux savent fort bien que les forces armées royales khmères aidées par la population ne tolèrent la présence d'aucune installation militaire étrangère sur le territoire national et refoulent tous les éléments étrangers, armés ou non, qui franchissent les frontières du royaume.

"Enfin, le Gouvernement royal s'étonne de nouveau que les Etats-Unis limitent leurs accusations officielles au Cambodge militairement neutre pendant que tous les pays socialistes accordent une aide ouverte en matériel de guerre aux combattants vietnamiens."

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies,
(Signé) Huor Sambath

DOCUMENT S/8814

Letter dated 10 September 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[11 September 1968]

On instructions from my Government and further to my letter of 4 September 1968 [S/8801], I have the honour to bring the following to your attention for the information of members of the Security Council.

On 6 July 1968, a F-105 United States-South Viet-Nameese plane flew over the towns of Khnang Krapeu and Mimot, province of Kompong Cham, for almost an hour, from 8.15 a.m. to 9.10 a.m.

On 8 July, at about 9.20 a.m., two F-105 United States-South Viet-Nameese planes again flew over the town of Mimot.

On 9 July, at about 2 p.m., an L-19 United States-South Viet-Nameese plane fired on a herd of cattle grazing 100 metres inside Cambodian territory, in the village of O Sangkat Prak, commune of Kompong Chamlang, district of Svay Rieng, province of Svay Rieng. Four of the herd were seriously wounded.

On 12 July, at about 10.45 a.m., a United States-South Viet-Nameese helicopter flew over and machine-gunned the village of Kandal, commune of Ampil, district of Romeas Hek, province of Svay Rieng. One inhabitant named Som Sun was wounded.

The same day, at about 2.30 p.m., an F-105 United States-South Viet-Nameese plane flew over the communes of Koh Rocar, Prek Sambuor, Koh Che and Trapeang Svay Phluos, situated in the districts of Kompong Trabek, Prek Krabao and Peam Chor respectively, province of Prey Veng.

Lettre, en date du 10 septembre 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[11 septembre 1968]

D'ordre de mon gouvernement et suite à ma lettre du 4 septembre 1968 [S/8801], j'ai l'honneur de vous faire tenir, pour l'information des membres du Conseil de sécurité, ce qui suit :

Le 6 juillet 1968, un avion F-105 américano-sud-vietnamien a survolé les centres de Khnang Krapeu et de Mimot, province de Kompong Cham, pendant presque une heure, de 8 h 15 à 9 h 10.

Le 8 juillet, vers 9 h 20, deux avions F-105 américano-sud-vietnamiens ont encore survolé le centre de Mimot.

Le 9 juillet, vers 14 heures, un avion L-19 américano-sud-vietnamien a tiré sur un troupeau de bœufs en train de paître à 100 mètres à l'intérieur du territoire khmer, dans le village de O-Sangkat Prak, commune de Kompong Chamlang, district de Svay Rieng, province de Svay Rieng. Quatre bœufs ont été grièvement blessés.

Le 12 juillet, vers 10 h 45, un hélicoptère américano-sud-vietnamien a survolé et mitraillé le village de Kandal, commune de Ampil, district de Romeas Hek, province de Svay Rieng. Un habitant nommé Som Sun a été blessé.

Le même jour, vers 14 h 30, un avion F-105 américano-sud-vietnamien a survolé les communes de Koh Rocar, Prek Sambuor, Koh Che et Trapeang Svay Phluos se trouvant respectivement dans les districts de Kompong Trabek, Prek Krabao et Peam Chor, province de Prey Veng.

The Royal Government of Cambodia has protested vigorously against these violations of Cambodian territory and acts of banditry committed by the United States-South Viet-Nameese forces. It has demanded that the Governments of the United States of America and of the Republic of Viet-Nam should put an end to such recurring acts and indemnify the victims.

I should be grateful if you would have this letter circulated as a Security Council document.

(Signed) Huor Sambath
Permanent Representative of Cambodia
to the United Nations

Le Gouvernement royal du Cambodge a protesté énergiquement contre ces violations du territoire du Cambodge et les actes de banditisme commis par les forces américano-sud-vietnamiennes. Il a exigé que les Gouvernements des Etats-Unis d'Amérique et de la République du Viet-Nam mettent fin au renouvellement de tels actes et qu'ils indemnisent les habitants victimes.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies,
(Signé) Huor Sambath

DOCUMENT S/8816

Letter dated 16 September 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[17 September 1968]

On the instructions of my Government and further to my letter of 10 September 1968 [S/8814], I have the honour to inform you that, during the period from 1 to 19 July 1968, inclusive, the communes of Bavet and of Mesar Thngak (in the districts of Svay Teap and Chantrea, province of Svay Rieng) were flown over thirty and two times, respectively, by United States-South Viet-Nameese aircraft, as follows.

On 1 July 1968, at about 8.5 a.m., by three aircraft, at an altitude of approximately 2,000 metres (Bavet).

On 2 July, at about 3.15 p.m., by two aircraft, at approximately the same altitude (Bavet).

On 3 July, at about 7.10 a.m., by an F-105 aircraft at an altitude of approximately 2,000 metres, and at about 7.30 a.m. by a Dakota aircraft at an altitude of approximately 1,000 metres (Bavet).

On 5 July, at about 5.15 p.m., by two F-105 aircraft, at an altitude of approximately 2,500 metres (Bavet).

On 6 July, at about 8 a.m., by a Dakota aircraft, at an altitude of approximately 800 metres (Bavet).

On 7 July, at about 2.15 p.m., by an L-19 aircraft, at an altitude of approximately 1,000 metres (Bavet).

On 8 July, at about 8 a.m., by a Dakota aircraft, at an altitude of approximately 800 metres (Bavet).

On 9 July, at about 7.45 a.m., by an F-105 aircraft; at 8.50 a.m., by two F-105 aircraft; at 9.10 a.m., by two more F-105 aircraft and at 1.15 p.m. by an L-19 aircraft, at altitudes of approximately 3,000, 2,500 and 1,500 metres, respectively (Bavet).

On 10 July, at about 11.5 a.m., by an F-105 aircraft, at altitudes of approximately 3,000 and 1,000 metres (Bavet).

On 11 July, at about 6.10 a.m. and 2.50 p.m., by three B-52 aircraft and one helicopter, respectively, at altitudes of approximately 5,000 and 1,000 metres (Bavet).

On 13 July, at about 9.10 a.m., by a C-130 aircraft; at 3.45 p.m., by a Dakota aircraft; at 5.30 p.m. by three B-52 aircraft and at 5.45 p.m. by three more B-52 aircraft (Bavet). On the same day, at 3.30 p.m., by three F-105 aircraft (Mesar Thngak). These aircraft were flying at altitudes of approximately 2,000, 1,500 and 3,000 metres, respectively.

Lettre, en date du 16 septembre 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[17 septembre 1968]

D'ordre de mon gouvernement et suite à ma lettre du 10 septembre 1968 [S/8814], j'ai l'honneur de vous faire connaître que, pendant la période du 1^{er} juillet au 19 juillet 1968 inclus, les communes de Bavet et de Mesar Thngak (dans les districts de Svay Teap et Chantrea, province de Svay Rieng) ont été survolées respectivement 30 fois et deux fois, par des avions américano-sud-vietnamiens, à savoir :

Le 1^{er} juillet 1968, vers 8 h 5, par trois avions, à 2 000 mètres environ d'altitude (Bavet).

Le 2 juillet, vers 15 h 15, par deux autres avions, à peu près à la même altitude (Bavet).

Le 3 juillet, vers 7 h 10 et 7 h 30, respectivement par un avion F.105 et un Dakota, à 2 000 et 1 000 mètres environ d'altitude (Bavet).

Le 5 juillet, vers 17 h 15, par deux avions F.105 à 2 500 mètres environ d'altitude (Bavet).

Le 6 juillet, vers 8 heures, par un avion Dakota, à 800 mètres environ d'altitude (Bavet).

Le 7 juillet, vers 14 h 15, par un avion L.19 à 1 000 mètres environ d'altitude (Bavet).

Le 8 juillet, vers 8 heures, par un avion Dakota à 800 mètres environ d'altitude (Bavet).

Le 9 juillet, vers 7 h 45, par un avion F.105; à 8 h 50, par deux F.105; à 9 h 10, par deux autres F.105 et à 13 h 15, par un avion L.19, respectivement à 3 000, 2 500 et 1 500 mètres environ d'altitude (Bavet).

Le 10 juillet, vers 11 h 5, par un avion F.105; à 5 000 mètres environ d'altitude (Bavet).

Le 11 juillet, vers 6 h 10 et 14 h 50, par trois avions B.52 et un hélicoptère respectivement à 5 000 et 1 000 mètres environ d'altitude (Bavet).

Le 13 juillet, vers 9 h 10, par un avion C.130; 15 h 45, par un avion Dakota; 17 h 30, par trois avions B.52 et 17 h 45, par trois autres avions B.52 (Bavet). Le même jour, vers 15 h 30, par trois avions F.105 (Mesar Thngak). Ces avions volaient respectivement à 2 000, 1 500 et 3 000 mètres environ d'altitude.

respond to our appeal for direct negotiations between South and North Viet-Nam, as the most logical and practical means to put an end to the bloody tragedy which has lasted too long.

(Signed) TRAN CHANH-THANH
Minister for Foreign Affairs of the
Republic of Viet Nam

pour parler de paix, ils devraient répondre à notre appel tendant à l'ouverture entre le Viet-Nam du Sud et le Viet-Nam du Nord de négociations directes, ce qui constituerait le moyen le plus logique et le plus pratique de mettre un terme à cette tragédie sanglante qui n'a que trop duré.

Le Ministre des affaires étrangères
de la République du Viet-Nam,
(Signé) TRAN CHANH-THANH

DOCUMENT S/8834

Letter dated 27 September 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[30 September 1968]

On instructions from my Government and further to my letter of 16 September 1968 [S/8816], I have the honour to bring to your attention, for the information of the members of the Security Council, the following.

During the night of 27-28 August 1968, a party of United States-South Viet-Namee troops entered the commune of Prek Chrey, district of Koh Thom, province of Kandal, and engaged a Cambodian patrol, mortally wounding a private, second class, named Proeung Sruoch.

During the night of 1-2 September 1968 at about 11 p.m., an aircraft of the United States-South Viet-Namee forces violated Cambodian air space and proceeded to fly over the commune of Dar and in the vicinity of Trapeang Boeung, district of Mimot, province of Kompong Cham. This aircraft then machine-gunned a landrover belonging to the Khmer Royal Armed Forces, seriously wounding one soldier and causing heavy damage to the vehicle. This incident occurred 400 metres from the Provincial Guard post at Saan, district of Ponhea Krek, in the same province of Kompong Cham.

The Royal Government of Cambodia has strongly protested against this violation of Khmer territory and this deliberate attack by the United States-South Viet-Namee armed forces on units of the Khmer Royal Armed Forces. It has demanded that the Governments of the United States of America and the Republic of Viet-Nam should put an end to such acts.

I should be grateful if you would have the text of this letter circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

Lettre, en date du 27 septembre 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[30 septembre 1968]

D'ordre de mon gouvernement et suite à ma lettre du 16 septembre 1968 [S/8816], j'ai l'honneur de vous faire tenir, pour l'information des membres du Conseil de sécurité, ce qui suit :

Dans la nuit du 27 au 28 août 1968, un groupe de soldats américano-sud-vietnamiens a pénétré dans la commune de Prek Chrey, district de Koh Thom, province de Kandal, et a pris à partie une patrouille cambodienne blessant mortellement un soldat de 2^e classe nommé Proeung Sruoch.

Dans la nuit du 1^{er} au 2 septembre 1968 vers 23 heures, un avion des forces américano-sud-vietnamiennes a violé l'espace aérien du Cambodge et est venu survoler la commune de Dar et les environs de Trapeang Boeung, district de Mimot, province de Kompong Cham. Cet avion a ensuite mitraillé une voiture land rover appartenant aux forces armées royales khmères, blessant grièvement un militaire et causant de sérieux dommages au véhicule. Cet incident a eu lieu à 400 mètres du poste de la garde provinciale de Saan, district de Ponhea Krek dans la même province de Kompong Cham.

Le Gouvernement royal du Cambodge a protesté énergiquement contre cette violation du territoire khmer et cette attaque délibérée commises par les forces armées américano-sud-vietnamiennes contre les éléments des forces armées royales khmères. Il a exigé que les Gouvernements des États-Unis d'Amérique et de la République du Viet-Nam mettent fin à de tels actes.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies,
(Signé) HUOT Sambath

DOCUMENT S/8837

Letter dated 30 September 1968 from the representative of Iraq to the President of the Security Council

[Original text: English]
[30 September 1968]

I have the honour to request Your Excellency to bring the following to the attention of the Security Council.

Lettre, en date du 30 septembre 1968, adressée au Président du Conseil de sécurité par le représentant de l'Irak

[Texte original en anglais]
[30 septembre 1968]

J'ai l'honneur de demander à Votre Excellence d'appeler l'attention des membres du Conseil de sécurité sur ce qui suit.

Letter dated 2 October 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[4 October 1968]

On instructions from my Government and further to my letter of 27 September 1968 [S/8834], I have the honour to bring to your attention, for the information of the members of the Security Council, the following.

On 7 July 1968, a party of United States-South Viet-Nameese troops from the Khan An post entered the commune of Prek Chrey, district of Koh Thom, province of Kandal, and took away six oxen, under covering fire from the Khan An post to prevent Cambodian defence forces from intervening. Apart from the six oxen taken away, a seventh was left dying on the spot.

On 9 July, at about 10 a.m., approximately 100 men of the United States-South Viet-Nameese armed forces crossed approximately 2,300 metres into Cambodian territory and reached a place called Svay Ba Da in the district of Rumduol, province of Svay Rieng.

On 13 July, at about 8.30 a.m., United States-South Viet-Nameese artillery opened fire on Cambodian territory from the Kinh Thay Bang post. Three shells landed in the village of Veang Keo, commune of Sampeou Puon, district of Koh Thom, province of Kandal, causing serious damage to village dwellings.

On 14 July, at about 11.30 a.m., about ten United States-South Viet-Nameese soldiers from the Rung Dau (Hau Ghia) post entered the commune of Bavet, district of Svay Teap, province of Svay Rieng, and engaged a Cambodian patrol approximately 500 metres from the frontier. Half an hour later, at about 12.5 p.m., about ten more United States-South Viet-Nameese soldiers entered the same area and robbed two Cambodian tradesmen of all their goods.

On 15 July, at about 9.15 p.m., United States-South Viet-Nameese artillery of the Vinh Dien post fired four shells at the Khmer Provincial Guard post at Peam Montea, district of Kompong Trabek, province of Prey Veng.

On 17 July, at about 9.15 p.m., United States-South Viet-Nameese artillery of the Chung Tam and Thuong Thoi posts fired seven shells into the Khmer commune of Koh Sampeou, district of Peam Chor, province of Prey Veng.

On 18 July, at about 10.30 a.m., four shells, fired by United States-South Viet-Nameese artillery of the Kao Ba post, landed in the commune of Mesar Thngak, district of Chantrea, province of Svay Rieng.

On 28 July, two soldiers from the United States-South Viet-Nameese post at Long Khot (Kien Tuong) entered the commune of Samyong, district of Kompong Rau, province of Svay Rieng and took away a buffalo belonging to a Cambodian citizen named Kong Krouch.

On 5 August, at about 4.30 p.m., three shells were fired from the United States-South Viet-Nameese post of King Thay Bang (Chaudoc) at the Provincial Guard's Prek Sdau post, approximately 500 metres

Lettre, en date du 2 octobre 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[4 octobre 1968]

D'ordre de mon gouvernement et suite à ma lettre du 27 septembre 1968 [S/8834], j'ai l'honneur de vous faire tenir, pour l'information des membres du Conseil de sécurité, ce qui suit :

Le 7 juillet 1968, un groupe de soldats américano-sud-vietnamiens du poste de Khan An a pénétré dans la commune de Prek Chrey, district de Koh Thom, province de Kandal, et y a enlevé six bœufs, pendant que du poste de Khan An des coups de feu ont été tirés sur les forces de la défense cambodgienne pour empêcher ces dernières d'intervenir. A part les six bœufs enlevés, un autre a été mortellement blessé et laissé sur place.

Le 9 juillet, vers 10 heures, un centaine de militaires des forces armées américano-sud-vietnamiennes ont fait une incursion dans le territoire du Cambodge sur une profondeur de 2 300 mètres environ jusqu'au lieu appelé Svay Ba Da relevant du district de Rumduol, province de Svay Rieng.

Le 13 juillet, vers 8 h 30, l'artillerie américano-sud-vietnamienne du poste de Kinh Thay Bang a tiré sur le territoire du Cambodge. Trois obus sont tombés sur le village de Veang Keo, commune de Sampeou Puon, district de Koh Thom, province de Kandal, causant des dégâts importants aux habitations dudit village.

Le 14 juillet, vers 11 h 30, une dizaine de soldats américano-sud-vietnamiens du poste de Rung Dau (Hau Ghia) ont pénétré dans la commune de Bavet, district de Svay Teap, province de Svay Rieng, et pris à partie une patrouille cambodgienne circulant à 500 mètres de la frontière. Une demi-heure plus tard, vers 12 h 5, une dizaine d'autres soldats américano-sud-vietnamiens ont pénétré de nouveau dans le même lieu et ont dépouillé deux commerçants cambodgiens de tous leurs biens.

Le 15 juillet, vers 21 h 15, l'artillerie américano-sud-vietnamienne du poste de Vinh Dien a tiré quatre obus sur le poste khmer de la garde provinciale de Peam Montea, district de Kompong Trabek, province de Prey Veng.

Le 17 juillet, vers 21 h 15, l'artillerie américano-sud-vietnamienne des postes de Chung Tam et Thuong Thoi a tiré sept obus sur la commune khmère de Koh Sampeou, district de Peam Chor, province de Prey Veng.

Le 18 juillet, vers 10 h 30, quatre obus tirés par l'artillerie américano-sud-vietnamienne du poste de Kao Ba sont tombés dans la commune de Mesar Thngak, district de Chantrea, province de Svay Rieng.

Le 28 juillet, deux soldats des forces américano-sud-vietnamiennes du poste de Long Khot (Kien Tuong) ont pénétré dans la commune de Samyong, district de Kompong Rau, province de Svay Rieng et ont enlevé un buffle appartenant à un habitant cambodgien nommé Kong Krouch.

Le 5 août, vers 16 h 30, les militaires américano-sud-vietnamiens du poste de King Thay Bang (Chaudoc) ont tiré trois obus sur le poste de la garde provinciale de Prek Sdau situé à 500 mètres environ de la fron-

from the Khmer-South Viet-Nameese frontier, in the commune of Sampeou Puon, district of Koh Thom, province of Kandal.

On 10 August, at about 10.30 a.m., United States-South Viet-Nameese artillery of the Duc Hue post fired at a Cambodian mixed patrol which was in Cambodian territory 1.500 metres from the frontier in the village of Ta Noy, commune of Prasat, district of Chantrea, province of Svay Rieng. Three Cambodian soldiers—Sergeant Neang Im and Privates, Second Class, Sok Sarin and Ros Saphat—were seriously wounded.

On 13 August, at about 2.45 a.m., United States-South Viet-Nameese troops from the Long Binh (Chaudoc) post, patrolling the frontier, fired several bursts with automatic weapons at the Cambodian village of Phum Thmey, commune of Sampeou Puon, district of Koh Thom, province of Kandal. A Viet-Nameese living in the frontier area, named Le Dan De, was seriously wounded.

On 14 August, at about 6.45 a.m., United States-South Viet-Nameese troops on board two launches and eight motor boats fired several bursts with automatic weapons at the village of Kaam Samnar Krom, district of Locuk Dek, province of Kandal. An ox belonging to a man named Koh Phuong was hit and wounded.

On 25 August, at about 10.30 p.m., two aircraft of the United States-South Viet-Nameese forces violated Cambodian air space by overflying the village of Phum Saam, commune of Chan Moul, district of Mimot, province of Kompong Cham, and fired several bursts with automatic weapons at the village, seriously wounding a fifteen-year old girl named Suong Saram.

The Royal Government of Cambodia has strongly protested against these violations and acts of aggression deliberately committed by United States-South Viet-Nameese forces against Cambodian territory and its peace-loving inhabitants. It has demanded that the Governments of the United States of America and the Republic of Viet-Nam should put an end to such acts.

I should be grateful if you would have the text of this letter circulated as a Security Council document.

(Signed) Huor Sambath
Permanent Representative of Cambodia
to the United Nations

tière khméro-sud-vietnamienne dans la commune de Sampeou Puon, district de Koh Thom, province de Kandal.

Le 10 août, vers 10 h 30, l'artillerie américano-sud-vietnamienne du poste de Duc Hue a pris à partie une patrouille mixte cambodgienne opérant dans le territoire du Cambodge, à 1 500 mètres de la frontière, dans le village de Ta Noy, commune de Prasat, district de Chantrea, province de Svay Rieng. Trois militaires cambodgiens dont un sergent nommé Neang Im et deux soldats de deuxième classe nommés Sok Sarin et Ros Saphat ont été grièvement blessés.

Le 13 août, vers 14 h 45, les soldats américano-sud-vietnamiens du poste de Long Binh (Chaudoc) circulant le long de la frontière ont tiré plusieurs rafales d'armes automatiques sur le village cambodgien de Phum Thmey, commune de Sampeou Puon, district de Koh Thom, province de Kandal. Un frontalier vietnamien nommé Le Dan De a été grièvement blessé.

Le 14 août, vers 6 h 45, des militaires américano-sud-vietnamiens naviguant à bord de deux vedettes et huit canots hors bord ont tiré plusieurs rafales d'armes automatiques sur le village de Kaam Samnar Krom, district de Locuk Dek, province de Kandal. Un bœuf appartenant au nommé Koh Phuong a été touché et blessé.

Le 25 août, vers 22 h 30, deux avions des forces américano-sud-vietnamiennes ont violé l'espace aérien du Cambodge en survolant le village cambodgien de Phum Saam, commune de Chan Moul, district de Mimot, province de Kompong Cham, et ont tiré plusieurs rafales d'armes automatiques sur ledit village, blessant gravement une jeune fille nommée Suong Saram âgée de 15 ans.

Le Gouvernement royal du Cambodge a protesté énergiquement contre ces actes de violation et d'agression commis délibérément par les forces américano-sud-vietnamiennes contre le territoire et les paisibles habitants cambodgiens. Il a exigé que les Gouvernements des Etats-Unis et de la République du Viet-Nam mettent fin à de tels actes.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies,
(Signé) Huor Sambath

DOCUMENT S/8841

Letter dated 2 October 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[4 October 1968]

On instructions from my Government and further to my letter of 27 August 1968 [S/8783], I have the honour to bring to your attention, for the information of the members of the Security Council, the following.

On 15 September 1968, at about 11.15 p.m., units of the Thai armed forces fired 60 mm shells at the Cambodian Provincial Guard post at Kbal Sar, province of Oddor Meanchey, wounding a woman and two children.

Lettre, en date du 2 octobre 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[4 octobre 1968]

D'ordre de mon gouvernement et suite à ma lettre du 27 août 1968 [S/8783], j'ai l'honneur de vous faire tenir, pour l'information des membres du Conseil de sécurité, ce qui suit :

Le 15 septembre 1968, vers 23 h 15, des éléments des forces armées thaïlandaises ont tiré des obus de 60 mm sur le poste de la garde provinciale cambodgienne de Kbal Sar, province de Oddor Meanchey, blessant une femme et deux enfants.

day war. The authorities in the Arab States persecute them, prevent them from earning a livelihood, seize their property, restrict their movements, wreak vengeance on them and hold them as political hostages in violation of international morality.

The Arab States have refused and still refuse to permit international organs such as the International Red Cross to inspect the condition of the Jews. They also refuse to permit the Jews to leave their countries. The remnants of the Jewish communities in the Arab States serve as scapegoats for the Arab rulers who use them to deflect the attention of the masses during difficult periods.

In the name of our oppressed brothers cruelly persecuted we cry out to the world's conscience and call upon the United Nations Secretary-General to examine their situation, ease their lot, and make it possible for them to leave the Arab States which have denied them human rights. While severe oppression is waged against the Jews in the Middle East, let there be no repetition of that conspiracy of silence which prevailed when our brothers in Europe were destroyed.

Chaim GOSHEN
Chairman, Association of Jews from Egypt
Shimon Ben YAACOB
Secretary, Association of Jews from Iraq
Yaacob ROFFE
Chairman, Association of Jews from Syria

après la guerre de Six jours. Les autorités des Etats arabes les persécutent, les empêchent de gagner leur vie, saisissent leurs biens, restreignent leur liberté de mouvement, exercent sur eux leur vengeance et les détiennent comme otages politiques au mépris de la morale internationale.

Les Etats arabes ont refusé et refusent encore de permettre à des organismes internationaux tels que la Croix-Rouge internationale d'enquêter sur la situation des Juifs. Ils refusent également de permettre aux Juifs de quitter leur pays. Les vestiges des communautés juives dans les pays arabes servent de boucs émissaires aux dirigeants arabes, qui s'en servent pour détourner l'attention des masses au cours des périodes difficiles.

Au nom de nos frères opprimés cruellement persécutés, nous en appelons à la conscience du monde et nous prions le Secrétaire général de l'Organisation des Nations Unies d'examiner leur situation, de soulager leur sort et de faire en sorte qu'ils puissent quitter les Etats arabes qui leur dénie les droits humains fondamentaux. Alors que les Juifs du Moyen-Orient sont en proie à une oppression cruelle, il ne faut pas que la conspiration de silence qui a entouré l'extermination de nos frères d'Europe se renouvelle.

Chaim GOSHEN,
président de l'Association des Juifs d'Egypte
Shimon Ben YAACOB,
secrétaire de l'Association des Juifs d'Irak
Yaacob ROFFE,
président de l'Association des Juifs de Syrie

DOCUMENT S/8849

Letter dated 9 October 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[12 October 1968]

On instructions from my Government and further to my letter of 2 October 1968 [S/8840], I have the honour to bring the following to your attention, for the information of the members of the Security Council.

On 2 August 1968, at about 6.30 a.m., a patrol of United States-South Viet-Nameese troops from Trapeang Robang (Tay Ninh) post fired several bursts with automatic weapons at a Cambodian village situated in the commune of Thnar Thnong, district of Roumdoul, province of Svay Rieng, about 800 metres from the frontier. A Cambodian woman was seriously wounded.

On 3 August, at about 5.45 a.m. and 7.25 a.m., the Viet-Nameese post of Dong Duc (Chaudoc) fired several bursts with automatic weapons at the Khmer Provincial Guard post of Bac Nam, in the commune of Prek Tonlea, district of Koh Thom, province of Kandal. The walls and roof of the Khmer post were seriously damaged and a Cambodian woman named Chap Ya was wounded.

The same day, at about 5 p.m., United States-South Viet-Nameese troops from Kaun Trom post fired several bursts with automatic weapons at two members of the Cambodian militia who were patrolling the village of Kauk Sambor, commune of Russey Srok, district of Kompong Trach, province of Kampot. Fortunately, the shots did not hit the militiamen but wounded a buffalo belonging to an inhabitant of the village.

Lettre, en date du 9 octobre 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[12 octobre 1968]

D'ordre de mon gouvernement et suite à ma lettre du 2 octobre 1968 [S/8840], j'ai l'honneur de vous faire tenir, pour l'information des membres du Conseil de sécurité, ce qui suit :

Le 2 août 1968, vers 6 h 30, une patrouille des forces américano-sud-vietnamiennes du poste de Trapeang Robang (Tay Ninh) a tiré plusieurs rafales d'armes automatiques sur un village cambodgien situé dans la commune de Thnar Thnong, district de Roumdoul, province de Svay Rieng, et à environ 800 mètres de la frontière. Une femme cambodgienne a été grièvement blessée.

Le 3 août, vers 5 h 45 et 7 h 25, le poste vietnamien de Dong Duc (Chaudoc) a tiré plusieurs rafales d'armes automatiques sur le poste khmer de la garde provinciale de Bac Nam, dans la commune de Prek Tonlea, district de Koh Thom, province de Kandal. Les murs et le toit du poste khmer ont été sérieusement touchés et une femme cambodgienne nommée Chap Ya a été blessée.

Le même jour, vers 17 heures, les militaires américano-sud-vietnamiens du poste de Kaun Trom ont tiré plusieurs rafales d'armes automatiques sur deux membres de la milice cambodgienne en mission de patrouille dans le village de Kauk Sambor, commune de Russey Srok, district de Kompong Trach, province de Kampot. Ces tirs n'ont heureusement pas touché ces miliciens mais ont blessé un buffle appartenant à un habitant du lieu.

The same day, at about 6 p.m., a party of United States-South Viet-Nameese soldiers from Kaun Trom (Kie Giang) post entered the Cambodian village of Koh Sambaur, situated 300 metres from the frontier in the commune of Russey Srok, district of Kompong Trach, province of Kampot. The soldiers fired several bursts with automatic weapons. Fortunately no one was hit, but a cow-buffalo belonging to an inhabitant named Lok Loek was wounded.

On 4 August, at about 12.40 p.m., the United States-South Viet-Nameese artillery of Ben Xoi (Tay Ninh) post opened fire on Cambodian territory. Sixteen shells fell 30 metres from the frontier in the commune of Ampil, district of Romeas Hek, province of Svay Rieng, seriously wounding four inhabitants named: Puth Hol, Long Roeun, Paunh Sim and So Savon, aged sixteen years, thirty-three years, twenty-eight years and three years respectively.

On 8 August, at about 11 p.m., approximately ten United States-South Viet-Nameese soldiers penetrated some 5,000 metres into Cambodian territory in the village of Svay Andaung, commune of Koh Sampeou, district of Peam Chor, province of Prey Veng, and made off with five buffaloes belonging to the inhabitants of the village. These soldiers were pursued by Cambodian defence forces and withdrew to South Viet-Nam, firing at their pursuers, who were able to recapture three buffaloes.

On 9 August, at about 6.15 a.m., a patrol of United States-South Viet-Nameese troops from Rung Dau (Hau Ngia) post fired several bursts with automatic weapons at the Cambodian village of Bao Dung, commune of Bavet, district of Svay Teap, province of Svay Rieng, seriously wounding one inhabitant.

On 10 August, at about 10.15 a.m., the United States-South Viet-Nameese artillery of Queo Ba (Hau Ghia) post began a heavy bombardment of Cambodian territory. About sixty shells fell 1,500 metres from the frontier, in the commune of Prasat, district of Svay Teap, province of Svay Rieng. One soldier and one inhabitant of the commune were seriously wounded.

On 19 August, at about 6 p.m., United States-South Viet-Nameese soldiers from Khan An post, on patrol along the frontier, fired at the inhabitants of the commune of Prek Chrey, district of Koh Thom, province of Kandal. They pulled back shortly afterwards in the face of a strong counter-attack by Cambodian defence forces.

On 21 August, at about 1.30 a.m., the United States-South Viet-Nameese artillery of Vinh Dien post opened fire on Cambodian territory. Three shells fell 300 metres from the Provincial Guard post at Peam Montea, district of Kompong Trabek, province of Prey Veng. Fortunately, no damage was done.

The same day, at about 12.30 p.m., a United States-South Viet-Nameese aircraft fired several rockets at herds of buffalo grazing near the Khmer-South Viet-Nameese frontier in the district of Kompong Chamlang, district and province of Svay Rieng, seriously wounding two animals.

On 22 August, at about 4 a.m., approximately twenty United States-South Viet-Nameese soldiers from Ben Xoi (Tay Ninh) post, on patrol along the frontier, fired at Cambodian inhabitants who were working in the fields at a place situated 300 metres from the Khmer-South Viet-Nameese frontier in the commune

Le même jour, vers 18 heures, un groupe de soldats des forces américano-sud-vietnamiennes du poste de Kaun Trom (Kien Giang) a fait une incursion dans le village cambodgien de Koh Sambaur situé à 300 mètres de la frontière, dans la commune de Russey Srok, district de Kompong Trach, province de Kampot. Plusieurs rafales d'armes automatiques ont été tirées par ces éléments. Aucune personne n'a été touchée, heureusement, mais une bufflesse appartenant à un habitant nommé Lok Loek a été blessée.

Le 4 août, vers 12 h 40, l'artillerie américano-sud-vietnamienne du poste de Ben Xoi (Tay Ninh) a tiré sur le territoire du Cambodge. Seize obus sont tombés dans la commune de Ampil, district de Romeas Hek, province de Svay Rieng, se trouvant à 300 mètres de la frontière, blessant grièvement quatre habitants nommés : Puth Hol, Long Roeun, Paunh Sim, So Savon, âgés respectivement de 16 ans, 33 ans, 28 ans et 3 ans.

Le 8 août, vers 23 heures, environ 10 soldats américano-sud-vietnamiens ont pénétré à 5 000 mètres environ à l'intérieur du territoire cambodgien dans le village de Svay Andaung, commune de Koh Sampeou, district de Peam Chor, province de Prey Veng, et ont enlevé cinq buffles appartenant aux habitants du village. Poursuivis par les forces de la défense cambodgienne, ces soldats se sont repliés au Sud-Viet-Nam en tirant des coups de feu sur les poursuivants qui ont pu récupérer trois buffles.

Le 9 août, vers 6 h 15, une patrouille des forces américano-sud-vietnamiennes du poste de Rung Dau (Hau Ngia) a tiré plusieurs rafales d'armes automatiques sur le village cambodgien de Bao Dung, commune de Bavet, district de Svay Teap, province de Svay Rieng, blessant grièvement un habitant.

Le 10 août, vers 10 h 15, l'artillerie américano-sud-vietnamienne du poste de Queo Ba (Hau Ghia) a tiré violemment sur le territoire du Cambodge. Une soixantaine d'obus sont tombés dans la commune de Prasat, à 1 500 mètres de la frontière, dans le district de Svay Teap, province de Svay Rieng. Un militaire et un habitant de ladite commune ont été grièvement blessés.

Le 19 août, vers 18 heures, les soldats américano-sud-vietnamiens du poste de Khan An en patrouille le long de la frontière, ont tiré des coups de feu sur les habitants de la commune de Prek Chrey, district de Koh Thom, province de Kandal. Ils se sont retirés peu après devant la riposte énergique des éléments de la défense cambodgienne.

Le 21 août, vers 1 h 30, l'artillerie américano-sud-vietnamienne du poste de Vinh Dien a tiré sur le territoire du Cambodge. Trois obus sont tombés à 300 mètres du poste de la garde provinciale de Peam Montea, district de Kompong Trabek, province de Prey Veng. Il n'y a heureusement pas eu de dégâts.

Le même jour vers 12 h 30, un avion américano-sud-vietnamien a tiré plusieurs roquettes sur les troupeaux de buffles en pâturage près de la frontière khméro-sud-vietnamienne dans le district de Kompong Chamlang, district et province de Svay Rieng, blessant grièvement deux d'entre eux.

Le 22 août, vers 4 heures, environ 20 soldats américano-sud-vietnamiens du poste de Ben Xoi (Tay Ninh) en patrouille le long de la frontière ont tiré sur les habitants cambodgiens qui étaient en train de s'adonner aux travaux champêtres à un endroit situé à 300 mètres de la frontière khméro-sud-vietnamienne dans la com-

of Thanar Thnong, district of Rumduol, province of Svay Rieng. None of the people was hit, but two buffaloes were mortally wounded.

On 24 August, at about 1 a.m., the United States-South Viet-Nameese artillery of Cai Vang post opened fire on Cambodian territory. Three shells fell 500 metres inside Cambodian territory in the commune of Peam Monte, district of Kompong Trabek, province of Prey Veng.

On 25 August, at about 11 a.m., the United States-South Viet-Nameese artillery of the Muong Salinh (Chaudoc) post opened fire on Cambodian territory. Seven shells fell 800 metres from the frontier in the commune of Koh Kok, district of Peam Chor, province of Prey Veng.

The same day, at about 9.15 p.m., the United States-South Viet-Nameese artillery of Cai Vang post opened fire on Cambodian territory. Two shells fell 500 metres inside Cambodian territory in the commune of Peam Monte, district of Kompong Trabek, province of Prey Veng.

On 26 August, at about 12 midnight, the United States-South Viet-Nameese artillery at Cai Vang opened fire on Cambodian territory. Five shells fell about 200 metres from the frontier in the commune of Peam Monte, district of Kompong Trabek, province of Prey Veng.

On 27 August, at about 6.30 a.m., the United States-South Viet-Nameese artillery of Kaun Trom post opened fire on Cambodian territory. Two shells fell 300 metres from the frontier in the village of Koh Chanlos, commune of Russey Srok, district of Kompong Trach, province of Kampot.

The same day, at about 3.30 p.m., two inhabitants of the commune of Bavet, district of Svay Teap, province of Svay Rieng, named Kvan Touch and Preng Chet, were seriously wounded by the explosion of a rocket fired by a United States-South Viet-Nameese aircraft.

On 6 September, at about 4.30 p.m., five United States-South Viet-Nameese helicopters and three United States-South Viet-Nameese L-19 aircraft machine-gunned the area of Wat Daung, district of Romeas Hek, province of Svay Rieng, approximately 500 metres inside Cambodian territory. Three of the helicopters then landed at the same place for about fifteen minutes and abducted a ten-year old child named Meas Moeun.

During the night of 8 to 9 September, at about 11 p.m., the United States-South Viet-Nameese artillery of Cai Muong post bombarded the Cambodian Provincial Guard post at Koh Sko, situated in the commune of Koh Sampeou, district of Preah Sdach, province of Prey Veng. According to the preliminary information received, several shells fell near the post and one 81 mm shell made a direct hit on it, seriously wounding a woman and three children, aged 30 years, 8 years, 4 years and 1 year respectively. The one-year-old child died on the way to hospital.

The Royal Government of Cambodia has strongly protested against these further acts of aggression committed by the United States-South Viet-Nameese forces against Cambodia. It has demanded that the Governments of the United States of America and the Republic of Viet-Nam should put an end to such acts immediately, and pay compensation to the victims.

mune de Thnar Thnong, district de Rumduol, province de Svay Rieng. Aucun habitant n'a été atteint mais deux buffles ont été mortellement blessés par ces tirs.

Le 24 août, vers 1 heure, l'artillerie américano-sud-vietnamienne du poste de Cai Vang a tiré sur le territoire du Cambodge. Trois obus sont tombés à 500 mètres à l'intérieur du territoire dans la commune de Peam Monte, district de Kompong Trabek, province de Prey Veng.

Le 25 août, vers 11 heures, l'artillerie américano-sud-vietnamienne du poste de Muong Salinh (Chaudoc) a tiré sur le territoire du Cambodge. Sept obus sont tombés à 800 mètres de la frontière dans la commune de Koh Kok, district de Peam Chor, province de Prey Veng.

Le même jour, vers 21 h 15, l'artillerie américano-sud-vietnamienne du poste de Cai Vang a tiré sur le territoire du Cambodge. Deux obus sont tombés à 500 mètres à l'intérieur du territoire cambodgien dans la commune de Peam Monte, district de Kompong Trabek, province de Prey Veng.

Le 26 août, vers 0 heure, l'artillerie américano-sud-vietnamienne de Cai Vang a tiré sur le territoire du Cambodge. Cinq obus sont tombés à 200 mètres environ de la frontière dans la commune de Peam Monte, district de Kompong Trabek, province de Prey Veng.

Le 27 août, vers 6 h 30, l'artillerie américano-sud-vietnamienne du poste de Kaun Trom, a tiré sur le territoire du Cambodge. Deux obus sont tombés à 300 mètres de la frontière dans le village de Koh Chanlos, commune de Russey Srok, district de Kompong Trach, province de Kampot.

Le même jour, vers 15 h 30, deux habitants nommés Kvan Touch et Preng Chet, de la commune de Bavet, district de Svay Teap, province de Svay Rieng, ont été grièvement blessés par l'explosion d'une roquette lancée par un avion américano-sud-vietnamien.

Le 6 septembre, vers 16 h 30, cinq hélicoptères et trois avions L-19 américano-sud-vietnamiens ont mitraillé la région de Wat Daung, district de Romeas Hek, province de Svay Rieng, à 500 mètres environ à l'intérieur du territoire cambodgien. Après le mitraillage, trois des hélicoptères ont atterri sur le lieu pendant 15 minutes et ont enlevé un enfant de 10 ans nommé Meas Moeun.

Dans la nuit du 8 au 9 septembre, vers 23 heures, l'artillerie américano-sud-vietnamienne du poste de Cai Muong a bombardé le poste cambodgien de la garde provinciale de Koh Sko situé dans la commune de Koh Sampeou, district de Preah Sdach, province de Prey Veng. D'après les premiers renseignements reçus, plusieurs obus sont tombés aux environs du poste précité et un obus de 81 mm l'a atteint de plein fouet, blessant grièvement une femme et trois enfants âgés respectivement de 30 ans, 8 ans, 4 ans et un an. L'enfant âgé d'un an est décédé au cours de son transfert à l'hôpital.

Le Gouvernement royal du Cambodge a protesté énergiquement contre ces nouveaux actes d'agression commis par les forces américano-sud-vietnamiennes contre le Cambodge. Il a exigé que les gouvernements des Etats-Unis d'Amérique et de la République du Viet-Nam mettent fin immédiatement à de tels actes et qu'ils indemnisent les victimes.

I shall be grateful if you would have the text of this letter circulated as a Security Council document.

(Signed) Huor Sambath
Permanent Representative of Cambodia
to the United Nations

Je suis obligé de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies,
(Signé) Huor Sambath

DOCUMENT S/8850

Letter dated 9 October 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[12 October 1968]

On instructions from my Government and further to my letter of 4 October 1968 [S/8841], I have the honour to bring the following to your attention, for the information of the members of the Security Council.

On 20 August 1968, at about 3 p.m., approximately ten armed Thai soldiers entered Cambodian territory and fired on peaceful Cambodian villagers who were cutting wood at a place situated three kilometres from the frontier, in the commune of Soeng, *srok* of Sisophon, province of Battambang. Two local inhabitants, Iv Sa and Loeun Borin of the *phum* of Chang Ha, were seriously wounded by these aggressors.

During the night of 22 to 23 August, about fifty armed Thai soldiers fired mortar shells at the Cambodian military post of Phum Bos, in the commune of Kou, *srok* of Samrong, province of Oddor Meanchey and sprayed it with automatic weapons fire. Thrown back by a strong counter-attack by the Cambodian defenders, they retreated shortly afterwards towards Thai territory. The incident caused the following losses on the Cambodian side: human beings: Private Chea Khun wounded; cattle: 3 buffaloes killed, 3 buffaloes wounded and 2 oxen wounded.

On 26 August, at about 12 noon, a Cambodian army detail from Mak Hoeun post, commanded by Capitan Chhay Sorinn, set off a Thai booby-trap mine while on a reconnaissance patrol about seven kilometres inside Cambodian territory, in the commune of Kaup, *srok* of Sisophon, province of Battambang. The explosion seriously wounded: one captain, one lieutenant, one staff sergeant, two privates and one lance-corporal, who later died of his wounds.

The Royal Government of Cambodia has strongly protested against these acts of aggression and terrorism and sabotage committed by Thai soldiers in Cambodian territory and has demanded that the Royal Government of Thailand should take steps to put an end to such acts immediately.

I should be grateful if you would have the text of this letter circulated as a Security Council document.

(Signed) Huor Sambath
Permanent Representative of Cambodia
to the United Nations

Lettre, en date du 9 octobre 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[12 octobre 1968]

D'ordre de mon gouvernement et suite à ma lettre du 4 octobre 1968 [S/8841], j'ai l'honneur de vous faire tenir, pour l'information des membres du Conseil de sécurité, ce qui suit :

Le 20 août 1968 vers 15 heures, environ 10 soldats thaïlandais armés ont pénétré à l'intérieur du territoire du Cambodge et ont tiré sur de paisibles villageois cambodgiens en train de couper le bois, à un endroit situé à 3 kilomètres de la frontière, dans la commune de Soeng, *srok* de Sisophon, province de Battambang. Deux habitants du lieu, les nommés Iv Sa et Loeun Borin du *phum* du Chang Ha ont été grièvement blessés par ces agresseurs.

Dans la nuit du 22 au 23 août 1968, environ 50 soldats thaïlandais armés ont tiré des coups de mortier et des rafales d'armes automatiques sur le poste militaire cambodgien du *phum* de Bos, dans la commune de Kou, *srok* de Samrong, province d'Oddor Meanchey. Devant la riposte énergique des défenseurs cambodgiens, ils se sont retirés peu après vers le territoire thaïlandais. L'incident a causé les pertes suivantes du côté cambodgien : en personnel : le soldat de 2^e classe Chea Khun, blessé ; en bétail : 3 buffes tués, 3 autres blessés, 2 boeufs blessés.

Le 26 août, vers 12 heures, une section militaire cambodgienne du poste de Mak Hoeun commandée par le capitaine Chhay Sorinn a, au cours d'une patrouille de reconnaissance, sauté sur une mine piégée thaïlandaise, à environ 7 kilomètres à l'intérieur du territoire cambodgien, dans la commune de Kaup, *srok* de Sisophon, province de Battambang. L'explosion a blessé gravement un capitaine, un sous-lieutenant, un sergent-chef, deux soldats de 2^e classe et enfin un soldat de 1^{re} classe qui est décédé à la suite de ses blessures.

Le Gouvernement royal du Cambodge a élevé la protestation la plus énergique contre ces actes d'agression, de terrorisme et de sabotage commis par les soldats thaïlandais à l'intérieur du territoire du Cambodge et exigé que le Gouvernement royal de Thaïlande prenne des mesures pour y mettre fin immédiatement.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies,
(Signé) Huor Sambath

humanitarian resolutions of the General Assembly and the Security Council.

The latest series of such acts was as follows:

1. Destruction of the Syrian occupied village of Souraman. On 18 September 1968, about 1100 hours local time, several Israel bulldozers started demolishing the houses of this village. The next day, as early as 0800 hours local time, the bulldozers resumed the demolition and on 29 September even the smallest dwellings in the village were not spared. A complaint by the Syrian authorities was lodged with the Chairman of the Israel-Syrian Mixed Armistice Commission, who was requested to take immediate action. These provocative acts were adequately witnessed by the United Nations military observers from their hilltop post No. 5.

2. On 10 October 1968, the wrath of the Israel demolition teams turned on the village of Ahmediye. Its houses and dwellings had the same treatment as that of Souraman. The demolition did not pass unnoticed by the observation post No. 6 of the United Nations military observers. But, in spite of the Syrian complaint lodged with the Mixed Armistice Commission, no preventive measure was taken.

While requesting that you kindly take the necessary steps to ensure the compliance of the Israel occupying forces with the most elementary norms of civilized conduct, I should be grateful if you would have this letter circulated as an official document of the General Assembly and of the Security Council.

(Signed) George J. TOMEH
Permanent Representative of Syria
to the United Nations

résolutions humanitaires pertinentes de l'Assemblée générale et du Conseil de sécurité.

Voici la dernière série d'actes de cette nature :

1. Destruction du village syrien de Souraman, situé en territoire occupé. Le 18 septembre 1968, vers 11 heures (heure locale), plusieurs bulldozers israéliens ont commencé à démolir les maisons de ce village. Le lendemain, dès 8 heures (heure locale), les bulldozers ont repris leur travail de démolition et, le 29 septembre, il ne restait plus aucune habitation, même la plus modeste, dans le village. Les autorités syriennes ont porté plainte auprès du Président de la Commission mixte d'armistice israélo-syrienne qui a été prié d'agir immédiatement. Des observateurs militaires de l'Organisation des Nations Unies ont, de leur poste n° 5 situé au sommet d'une colline, été témoins de ces actes de provocation et n'ont eu aucune peine à en identifier les auteurs.

2. Le 10 octobre 1968, les équipes de démolition israéliennes se sont déchainées contre le village d'Ahmediye. Toutes ses habitations ont subi le même sort que celles de Souraman. Ces travaux de démolition n'ont pas échappé à l'attention des observateurs militaires de l'Organisation des Nations Unies qui occupaient le poste n° 6. Cependant, en dépit de la plainte portée par la Syrie auprès de la Commission mixte d'armistice israélo-syrienne aucune mesure préventive n'a été prise.

Je vous serais obligé de prendre les dispositions voulues pour que les forces d'occupation israéliennes se conforment désormais aux normes les plus élémentaires que toute nation civilisée se doit de respecter et vous saurais gré de bien vouloir faire distribuer le texte de la présente lettre comme document officiel de l'Assemblée générale et du Conseil de sécurité.

Le représentant permanent de la Syrie
auprès de l'Organisation des Nations Unies,
(Signé) George J. TOMEH

DOCUMENT S/8858

Letter dated 14 October 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[15 October 1968]

On the instructions of my Government and further to my letter of 9 October 1968 [S/8850], I have the honour to bring the following to your attention, for the information of the members of the Security Council.

On 4 September 1968, at about 2.40 p.m., Thai soldiers fired on a group of Cambodians about 100 metres from the Khmer-Thai frontier, two kilometres north-east of the centre of Poipet, *srok* of Mongkol Borei, province of Battambang. The shots seriously wounded two inhabitants, Roeun Sophat and Sok Yoth.

On 13 September, at about 3.30 p.m., the explosion of a mine laid by units of the Thai forces about ten kilometres inside the Khmer-Thai frontier killed one Cambodian outright and wounded another, both inhabitants of the village of Kaup Thom, commune of Cham Nam, district of Sisophon, province of Battambang.

On 15 September, at about 11.15 p.m., armed units from Thailand fired 60 mm shells at the Provincial

Lettre, en date du 14 octobre 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[15 octobre 1968]

D'ordre de mon gouvernement et suite à ma lettre du 9 octobre 1968 [S/8850], j'ai l'honneur de vous faire tenir, pour l'information des membres du Conseil de sécurité, ce qui suit :

Le 4 septembre 1968, vers 14 h 40, les soldats thaïlandais ont tiré sur un groupe de Cambodgiens se trouvant à environ 100 mètres de la frontière khméro-thaïlandaise et 2 kilomètres au nord-est du centre de Poipet, *srok* de Mongkol Borei, province de Battambang. Ces tirs ont blessé gravement deux habitants nommés Roeun Sophat et Sok Yoth.

Le 13 septembre, vers 15 h 30, l'explosion d'une mine posée par les éléments des forces thaïlandaises à environ 10 kilomètres à l'intérieur de la frontière khméro-thaïlandaise a tué sur le coup un Cambodgien et en a blessé un autre, tous deux habitants du village de Kaup Thom, commune de Cham Nam, district de Sisophon, province de Battambang.

Le 15 septembre, vers 23 h 15, des éléments armés venant de la Thaïlande ont tiré des obus de 60 mm

Guard post at Kbal Sar, in the commune of Kou, district of Samrong, province of Oddar Meanchey. A number of shells exploded around the post, wounding one woman and two children.

On 16 September, at about 4 a.m., the same units returned to attack the same post. A number of mortar shells which they fired struck the post, mortally wounding one soldier named Pream Dot and one corporal named Mom Van. One woman and a baby were also seriously wounded during this attack.

The Royal Government of Cambodia has strongly protested against these acts of armed aggression and against the violation of Cambodian territory by units of the Thai armed forces, and has demanded that the Royal Government of Thailand should put an immediate end to them.

I should be grateful if you would have the text of this letter circulated as a Security Council document.

(Signed) Huor Sambath
Permanent Representative of Cambodia
to the United Nations

sur le poste de la garde provinciale de Kbal Sar, dans la commune de Kou, district de Samrong, province d'Oddar-Meanchey. Quelques obus ont explosé aux environs du poste, blessant une femme et deux enfants.

Le 16 septembre, vers 4 heures, ces mêmes éléments sont revenus harceler encore le même poste. Plusieurs obus de mortier tirés par ces derniers ont atteint le poste, blessant mortellement un militaire nommé Pream Dot et un caporal nommé Mom Van. Une femme et un bébé ont été aussi gravement blessés au cours de cette attaque.

Le Gouvernement royal du Cambodge a protesté énergiquement contre ces actes d'agression armée ainsi que la violation du territoire du Cambodge, commis par les éléments de forces armées thaïlandaises, et a exigé que le Gouvernement royal de Thaïlande y mette fin sans délai.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies,
(Signé) Huor Sambath

DOCUMENT S/8859

Letter dated 15 October 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[15 October 1968]

On the instructions of my Government and further to my letter of 9 October 1968 [S/8849], I have the honour to bring the following to your attention, for the information of the members of the Security Council.

On 5 September 1968, at about 7.30 a.m., members of the United States-South Viet-Nameese forces from the post of Moc Bai (Hau Nghia) patrolling along the frontier fired at the Cambodian commune of Bavet, district of Svay Teap, province of Svay Rieng, seriously wounding a local inhabitant named Pheam Vantieng.

On 8 September, at about 10.30 a.m., the United States-South Viet-Nameese forces at the post of Trapeang Robang (Tay Ninh) fired mortars at Cambodian territory. Several shells fell in the district of Rumduol, province of Svay Rieng, seriously wounding a Cambodian named Thach Suth, who was fishing.

On 9 September, at about 8 a.m., three armed South Viet-Nameese accompanied by a United States national penetrated about fifty metres into Cambodian territory in order to reconnoitre the Cambodian village of Tuol Prasat, commune of Sam Yong, district of Kompong Rau, province of Svay Rieng. They withdrew into South Viet-Nameese territory at about 10 a.m.

On 11 September, at about 7 p.m., the United States-South Viet-Nameese troops at the post of Ong Truong near the Cambodian commune of Khset, district of Kompong Rau, province of Svay Rieng, fired 81 mm shells into Cambodian territory. Two shells fell beside the post of Tuol Thmar Sar in the above-mentioned commune.

On 13 September, at about 10 a.m., the United States-South Viet-Nameese forces at the post of Kan-

Lettre, en date du 15 octobre 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[15 octobre 1968]

D'ordre de mon gouvernement et suite à ma lettre du 9 octobre 1968 [S/8849], j'ai l'honneur de vous faire tenir, pour l'information des membres du Conseil de sécurité, ce qui suit :

Le 5 septembre 1968, vers 7 h 30, les éléments des forces américano-sud-vietnamiennes du poste de Moc Bai (Hau Nghia) en patrouille de long de la frontière ont tiré sur la commune cambodgienne de Bavet, district de Svay Teap, province de Svay Rieng, blessant gravement un frontalier nommé Pheam Vantieng.

Le 8 septembre, vers 10 h 30, les éléments des forces américano-sud-vietnamiennes du poste de Trapeang Robang (Tay Ninh) ont tiré au mortier en direction du territoire du Cambodge. Plusieurs obus sont tombés dans le district de Rumduol, province de Svay Rieng, blessant grièvement un Cambodgien nommé Thach Suth qui était en train de s'adonner à la pêche.

Le 9 septembre, vers 8 heures, trois éléments armés sud-vietnamiens accompagnés d'un Américain ont pénétré dans le territoire du Cambodge à 50 mètres de profondeur pour effectuer des opérations de reconnaissance du village cambodgien de Tuol Prasat, commune de Sam Yong, district de Kompong Rau, province de Svay Rieng. Ils se sont retirés en territoire sud-vietnamien vers 10 heures.

Le 11 septembre, vers 19 heures, les militaires américano-sud-vietnamiens du poste de Ong Truong situé auprès de la commune cambodgienne de Khset, district de Kompong Rau, province de Svay Rieng, ont tiré des obus de 81 mm sur le territoire du Cambodge. Deux obus sont tombés à côté du poste de Tuol Thmar Sar se trouvant dans la commune susvisée.

Le 13 septembre 1968 vers 10 heures, les éléments des forces américano-sud-vietnamiennes du poste de

Council to consider the recent Egyptian acts of aggression against Israel brought to the attention of the President of the Security Council in my letters of 26, 27, 29 and 30 October 1968 [S/8868, S/8869, S/8875, S/8877], and recorded in the reports of General Odd Bull of 27, 28 and 30 October 1968 [S/7930/Add.95, Add.96 and Add.97].

(Signed) Yosef TEKOAH
Permanent Representative of Israel
to the United Nations

gence pour examiner les récents actes d'agression de l'Egypte contre Israël que j'ai portés à l'attention du Président du Conseil de sécurité dans mes lettres des 26, 27, 29 et 30 octobre 1968 [S/8868, S/8869, S/8875, S/8877] et qui sont consignés dans les rapports du général Odd Bull datés des 27, 28 et 30 octobre 1968 [S/7930/Add.95, Add.96 et Add.97].

Le représentant permanent d'Israël
auprès de l'Organisation des Nations Unies,
(Signé) Yosef TEKOAH

DOCUMENT S/8881

Letter dated 30 October 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[1 November 1968]

On the instructions of my Government and further to my letters of 31 July and 12 August 1968 [S/8707 and S/8745] concerning the LCU 1577 vessel of the United States armed forces, which was captured with its crew on 17 July 1968 in Cambodian territorial waters by the Royal Khmer Navy, I have the honour to transmit to you, for the information of the members of the Security Council, the contents of a reply, dated 19 October 1968, by the Royal Government to two new messages from the Government of the United States of America transmitted on 30 August and 2 September 1968, respectively, by the Australian embassy at Phnom Penh:

"The Royal Government made it clear in its note No. 713/DGP/21/AV/M dated 22 July 1968, that it could not accept the argument that the intrusion of the LCU 1577 into Cambodian waters was 'a peaceful incursion which took place inadvertently'. In view of previous aggressive acts by American river vessels, the Royal Government takes a firm position, having regard to the facts and not to intentions formulated *a posteriori* to justify them. It recalls the terms of its note No. 785/DGP/21/AV/M of 12 August 1968, which stated that 'this military vessel (the LCU 1577) violated Cambodian sovereignty, and therefore comes within the scope of Cambodian law on the subject, a fact of which the Government of the United States cannot be unaware.'

"In its last note, the Government of the United States stated that it is customary among States to take immediate measures for the release of a vessel or aircraft and its crew intercepted in foreign territory in circumstances identical to those involving the LCU 1577. For its part, the Royal Government wishes to emphasize that such measures apply only between States which enjoy peaceful coexistence, that is to say, which carry on normal relations based on respect for the national rights of each. This is not the case, and it must also be recalled that the United States vessel which is being interned is a military vessel which is *ipso facto* implicated in the countless acts of aggression committed by United States armed forces against Cambodia.

"The Royal Government therefore wishes to state clearly once again that Cambodia's position with

Lettre, en date du 30 octobre 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[1^{er} novembre 1968]

D'ordre de mon gouvernement et suite à mes lettres des 31 juillet et 12 août 1968 [S/8707 et S/8745] concernant le bateau LCU 1577 des forces armées américaines capturé avec son équipage le 17 juillet 1968 dans les eaux territoriales cambodgiennes par la marine royale khmère, j'ai l'honneur de vous faire tenir ci-dessous, pour l'information des membres du Conseil de sécurité, la teneur d'une réponse, en date du 19 octobre 1968, du Gouvernement royal aux deux nouveaux messages du Gouvernement des Etats-Unis d'Amérique, transmis respectivement les 30 août et 2 septembre 1968 par l'ambassade d'Australie à Phnom-Penh :

"Le Gouvernement royal a fait clairement connaître, par sa note n° 713/DGP/21/AV/M en date du 22 juillet 1968, qu'il ne pouvait admettre la thèse selon laquelle l'intrusion du LCU 1577 dans les eaux cambodgiennes serait "une incursion pacifique commise par inadvertance". Compte tenu des précédentes agressions auxquelles se sont livrés des engins fluviaux américains, le Gouvernement royal adopte une position nette en regard des faits et non d'intentions formulées *a posteriori* pour les justifier : il rappelle les termes de sa note n° 785/DGP/21/AV/M du 12 août 1968 précisant que "ce bâtiment de guerre (LCU 1577) a violé la souveraineté du Cambodge et tombe en conséquence sous le coup de la loi cambodgienne en cette matière, ainsi que le Gouvernement des Etats-Unis ne peut l'ignorer".

"Dans sa dernière note, le Gouvernement des Etats-Unis assure qu'il est d'usage, entre Etats, de prendre immédiatement des mesures visant à libérer un navire ou un aéronef et son équipage interceptés en territoire étranger dans des circonstances identiques à celles du LCU 1577. Pour sa part, le Gouvernement royal tient à souligner que de telles mesures ne s'appliquent qu'entre Etats coexistants pacifiquement, c'est-à-dire entretenant des relations normales fondées sur le respect des droits nationaux de chacun. Or il n'en est pas ainsi et il faut, en outre, rappeler que le bâtiment américain interné est un engin de guerre qui *ipso facto*, se trouve impliqué dans les innombrables agressions commises par les forces armées américaines contre le Cambodge.

"En conséquence, le Gouvernement royal précise une fois encore que la position du Cambodge sur le

regard to the legal nature of the arrest and detention of the LCU 1577 and its crew cannot be altered.

"The Royal Government also wishes to express its surprise and indignation at the interpretation which the United States Government claims to place on the Cambodian suggestion aimed at establishing favorable conditions which would allow Cambodia to make a gesture of goodwill with regard to the LCU 1577 and its crew. It is an insult to the Khmer nation to claim that the United States vessel in question and its crew were seized for purposes of negotiation, which is tantamount to a pure and simple accusation of blackmail, or even piracy.

"The Royal Government has never stated nor let it be understood that there was any relationship between the detention of the United States vessel and the criminal aggression of United States air forces against Svay A Ngong on 29 June 1968. On the contrary, it must be pointed out that within the framework of normal relations between States and in accordance with the rights of persons and the rights and duties of States mentioned in the United States note, the Government of the United States was under an obligation to express its regret after each attack on Khmer territory and to give fair compensation for the loss of human life and the damage caused by its armed forces. For its part, the Royal Government has a perfect right, as a sovereign State, to apply its national laws to foreigners caught red-handed violating Cambodian territory.

"The Royal Government further states that the release of the LCU 1577 and its crew on the terms set out in the closing paragraphs of its note No. 785/DGP/21/AV/M of 12 August 1968 could not constitute a reciprocal measure, but would be a goodwill gesture on the part of Cambodia. Such a gesture could not in any case take place unless the Government of the United States recognized its responsibility for the massacre of Cambodian peasants at Svay A Ngong and agreed to bear the consequences.

"With regard to the murderous attack of two United States helicopters on the civilian Cambodian population of Svay A Ngong on 29 June 1968, the Government of the United States states that, according to the facts known to it, it must conclude that no United States aircraft or personnel were involved and that 'under the circumstances it cannot acknowledge responsibility for the Svay A Ngong incident'.

"As the International Control Commission has noted and reported, the act of aggression, during which fourteen Khmer villagers, including women and children, were cold-bloodedly and methodically murdered while at their work in the fields by bursts of machine-gun fire from two United States helicopters engaging at low altitude in a real manhunt, cannot be denied. The United States Government has furthermore recognized that on the date and at the time indicated in the Cambodian protest note, two United States helicopters had indeed entered Khmer territory 'in the vicinity' of Svay A Ngong, as is shown by an operational report of the United States armed forces.

"The Royal Government notes that, after having recognized the possibility that there was an attack

caractère légal et légitime de l'arraisonnement et de la détention du LCU 1577 et de son équipage ne peut être modifié.

"Le Gouvernement royal tient, d'autre part, à exprimer sa surprise et son indignation de l'interprétation que le Gouvernement des Etats-Unis prétend donner de la suggestion cambodgienne visant à créer des conditions favorables qui permettraient l'adoption par le Cambodge d'une mesure de bienveillance à l'endroit du LCU 1577 et de son équipage. Il est en effet très injurieux pour la nation khmère de prétendre que le bateau américain en question ainsi que son équipage ont été saisis "aux fins de négociations", ce qui constitue en fait une accusation pure et simple de chantage ou même de piraterie.

"Le Gouvernement royal n'a jamais déclaré ni laissé entendre qu'il existât un rapport entre la détention du bâtiment américain et la criminelle agression de l'aviation américaine contre Svay A Ngong le 29 juin 1968. Il faut remarquer, bien au contraire, que dans le cadre de relations normales entre Etats et conformément "aux droits des personnes et aux droits et devoirs des Etats" invoqués par la note américaine, le Gouvernement des Etats-Unis avait l'obligation d'exprimer ses regrets après chaque attaque contre le territoire khmer et d'accorder de justes indemnités pour les pertes en vies humaines et les dommages causés par ses forces armées. De son côté, le Gouvernement royal est parfaitement en droit d'appliquer souverainement ses lois nationales aux étrangers pris en flagrant délit de violation du territoire du Cambodge.

"Le Gouvernement royal précise encore que l'élargissement du LCU 1577 et de son équipage, dans les conditions exposées aux derniers paragraphes de sa note n° 785/DGP/21/AV/M du 12 août 1968, ne saurait constituer une mesure de réciprocité mais un geste de bonne volonté de la part du Cambodge. Un tel geste ne pourrait intervenir en tout état de cause que si le Gouvernement des Etats-Unis reconnaissait sa responsabilité dans le massacre des paysans cambodgiens de Svay A Ngong et acceptait d'en assumer les conséquences.

"En ce qui concerne l'attaque meurtrière de deux hélicoptères américains contre la population civile cambodgienne de Svay A Ngong le 29 juin 1968, le Gouvernement des Etats-Unis déclare que "d'après les faits dont il a connaissance, il doit conclure qu'aucun aéronef ni personnel américain ne se trouve impliqué" et que "vu les circonstances, il se trouve dans l'impossibilité de se reconnaître responsable de l'incident de Svay A Ngong".

"Or, ainsi que la Commission internationale de contrôle l'a constaté et rapporté, l'agression au cours de laquelle 14 villageois khmers, y compris des femmes et des enfants, furent froidement et méthodiquement assassinés, en pleins travaux champêtres, par les rafales de mitrailleuses de deux hélicoptères américains, se livrant, à basse altitude, à une véritable chasse à l'homme, ne saurait être niée. Le Gouvernement américain avait d'ailleurs reconnu qu'aux date et heure indiquées dans la note de protestation cambodgienne, deux hélicoptères américains avaient effectivement pénétré en territoire khmer "dans les parages" de Svay A Ngong, ainsi qu'il résultait d'un rapport opérationnel des forces armées américaines.

"Le Gouvernement royal note qu'après avoir reconnu la possibilité d'une attaque de Svay A Ngong

on Svay A Ngong by two armed UH-1C United States helicopters on operational service, the United States Government, in its last note, bluntly rejects that possibility without any logical explanation. The cynical and brutal refusal of the United States to admit its responsibility for this odious aggression, of which more than enough proof is available, contradicts the repeated affirmation by the United States that it never fails to express its regret at violations of the Cambodian frontiers. The Royal Government therefore reaffirms that its protests following upon violations and attacks on Khmer territory by United States armed forces are systematically rejected by the United States Government.

"The United States Government claims to prove its good faith by recalling that it expressed its regret after the violations of Khmer territory committed by United States forces at Peam Montea on 18 January 1968 and at Kong Mau on 20 May 1968. It should, however, be pointed out that military equipment left on the scene of the aggression afforded such overwhelming evidence that any other attitude on its part would have been absurd. However, these diplomatic regrets were not followed, as was to be expected, by recognition of the responsibility of the United States for the Cambodian loss of human life.

"The Government of the United States today accuses the Royal Government of having rejected the United States proposals aimed at 'facilitating an impartial inquiry into the incidents at Bavet and Svay A Ngong by bringing witnesses before the International Commission for Supervision and Control'. It should be recalled that in all cases of aggression the victim has no obligation other than to provide proof of aggression, namely the date, time, and place, the nature of the incident and the origin of the aggressors, the number of victims and the extent of the damage. Since respect for the sovereignty and territorial integrity of Cambodia is subject to the control and inspection of the International Commission established for that purpose by the Geneva Agreements of 1954, the Royal Government has no obligation other than to provide the Commission with all the information at its disposal on the violations and attacks to which Cambodia is subject.

"In particular, where the massacre of Khmer peasants at Svay A Ngong is concerned, the Royal Government challenges the claim of the Government of the United States to have its own witnesses interrogated by the International Control Commission in order to lead to a clarification of the facts. Is there any need to recall that those facts had been clearly established at the very scene of the aggression by observers from the International Control Commission, on the basis of statements by survivors confirmed by the presence of the bodies of the fourteen victims and by an examination of the projectiles used to sow death and destruction?

"The Royal Government notes that the only real witnesses which the United States could produce are the United States helicopter pilots, in other words, the individuals guilty of this crime against humanity. It is obvious that they will be even less ready to admit their crimes in that their statements are accepted without question by the United States military authorities, as is clear from all the replies to Cambodian protests, although these protests are

par deux hélicoptères américains UH-1C armés, en opération, le Gouvernement des Etats-Unis la rejette purement et simplement, sans aucune explication logique, dans sa dernière note. Le refus cynique et brutal des Etats-Unis d'admettre leur responsabilité pourtant surabondamment prouvée dans cette odieuse aggression va à l'encontre de l'affirmation américaine renouvelée selon laquelle les Etats-Unis ne manquent jamais d'exprimer leurs regrets des violations des frontières cambodgiennes. En conséquence le Gouvernement royal réaffirme que ses protestations faisant suite aux violations et aux attaques du territoire khmer par les forces armées américaines sont systématiquement rejetées par le Gouvernement des Etats-Unis.

"Le Gouvernement des Etats-Unis prétend arguer de sa bonne foi en rappelant qu'il a exprimé ses regrets à la suite des violations du territoire khmer commises par les forces américaines à Peam Montea le 18 janvier 1968 et le 20 mai 1968 à Kong Mau. Il convient toutefois de remarquer que les équipements militaires abandonnés sur les lieux des agressions constituaient des pièces à conviction si accablantes que toute autre attitude de sa part eût été absurde. Mais ces regrets diplomatiques ne furent pas suivis, comme il eût été normal, d'une reconnaissance de sa responsabilité des pertes cambodgiennes en vies humaines.

"Le Gouvernement des Etats-Unis accuse aujourd'hui le Gouvernement royal d'avoir rejeté les propositions des Etats-Unis tendant "à faciliter une enquête impartiale des incidents de Bavet et de Svay A Ngong en mettant les témoins à la disposition de la Commission internationale de surveillance et de contrôle". Or il importe de rappeler que, pour toutes agressions, l'agressé n'a d'autres obligations que celles de fournir les preuves de l'agression, à savoir : la date, l'heure, le lieu, la nature et l'origine des agresseurs, le nombre des victimes et l'importance des dommages. Le respect de la souveraineté et de l'intégrité territoriale du Cambodge étant placé sous le contrôle et la surveillance de la Commission internationale instituée à cet effet par les accords de Genève de 1954, le Gouvernement royal n'a d'obligation que celle de fournir à cette commission tous renseignements à sa disposition sur les violations et les attaques dont le Cambodge est victime.

"En ce qui concerne tout spécialement le massacre des paysans khmers de Svay A Ngong, le Gouvernement royal relève la prétention du Gouvernement des Etats-Unis de faire interroger ses propres témoins par la Commission internationale de contrôle afin "de conduire à une clarification des faits". Est-il donc nécessaire de rappeler que ces faits ont été parfaitement établis sur les lieux mêmes de l'agression par les enquêteurs de la Commission internationale de contrôle à partir des déclarations des survivants confirmées par la présence des corps des 14 victimes et par l'examen des projectiles ayant semé la mort et la destruction?

"Le Gouvernement royal note que les seuls témoins véritables que les Etats-Unis seraient susceptibles de présenter sont les pilotes américains d'hélicoptères, c'est-à-dire les individus coupables de crime contre l'humanité. Il est évident que ceux-ci sont d'autant moins prêts à avouer leurs forfaits que leurs déclarations sont acceptées sans discussion par les autorités militaires américaines ainsi qu'il apparaît dans toutes les réponses aux protestations cambodgiennes étayées

backed up by more than sufficient proof. The fact that the United States Government regards a criminal caught red-handed and his victims in the same light is extremely serious, in that it raises to the level of a principle the violation of the fundamental rules of law which govern civilized societies and relations between States.

"In the same message the United States Government notes with deep concern that the overtures it has made to the Royal Government of Cambodia concerning the use made of Cambodian territory by communist Viet-Nameese forces have not led the Royal Government of Cambodia to take any action in that respect.

"The Royal Government wishes first to recall that Cambodia has always strictly applied its policy of neutrality, and has never tolerated the establishment of any base or permanent camp for foreign armed forces on its territory. Nevertheless it wishes to state, as it previously did in its note No. 883-DGP/3-EU of 31 August 1968, that Cambodia is a sovereign State which does not have to justify itself to the United States in respect of the alleged use of its territory by troops of the National Liberation Front of South Viet-Nam and of the Democratic Republic of Viet-Nam. Since the presence of United States armed forces in South Viet-Nam is illegal, the Government of the United States has no right in law to call Cambodia to account or to interfere either in Khmer internal affairs or in Khmer-Viet-Nameese relations.

"The infiltration of foreign armed units belonging to the National Viet-Nameese resistance, to the Saigon régime or to the United States forces always encounters opposition by the Royal Khmer armed forces which defend the frontiers and the neutrality of Cambodia. The Royal Government further notes that the statements or accusations of the United States Government on the subject of Viet-Nameese outposts in Khmer territory are regularly shown, after inquiry on the scene, to be without foundation. As for the inevitable temporary infiltrations, they are a direct consequence of United States military action against Viet-Nam, and the Government of the United States therefore bears the full responsibility for them.

"To sum up, the Royal Government profoundly deplores the fact that the United States Government persists in its unjust attitude towards Cambodia and by its systematic hostility prevents any improvement in relations between the two countries. It wishes to recall on this occasion that, contrary to their statements of intent, the United States maintains its refusal to give solemn recognition to the present frontiers of Cambodia, to put an end to its aggressions against Khmer territory, to admit the truth of the murderous attacks and to take the responsibility and bear the consequences of them. In these circumstances, the Royal Government would in no way be justified in making a goodwill gesture with regard to the LCU 1577 and its crew."

I should be grateful if you would arrange for this letter to be circulated as a Security Council document.

(Signed) Huor Sambath
Permanent Representative of Cambodia
to the United Nations

par des preuves surabondantes. Le fait que le Gouvernement des Etats-Unis place sur un même plan le criminel pris en flagrant délit et ses victimes est d'une extrême gravité car il est la violation érigée en principe des règles fondamentales du droit qui régit les sociétés civilisées et les relations entre les Etats.

"Dans ce même message le Gouvernement des Etats-Unis note avec une profonde inquiétude que les démarches faites par lui auprès du Gouvernement royal du Cambodge concernant l'usage fait du territoire cambodgien par les forces communistes vietnamiennes n'ont pas amené le Gouvernement royal du Cambodge à prendre des mesures à cet égard".

"Le Gouvernement royal tient tout d'abord à rappeler que le Cambodge a toujours appliqué strictement sa politique de neutralité et qu'il n'a jamais toléré l'installation d'aucune base ou campement permanent de forces armées étrangères sur son territoire. Toutefois, il précise, comme il fut déjà exposé dans sa note n° 883-DGP/3-EU du 31 août 1968, que le Cambodge est un Etat souverain n'ayant pas à se justifier auprès des Etats-Unis quant à la prétendue utilisation de son territoire par les troupes du Front national de libération du Sud-Viet-Nam et de la République démocratique du Viet-Nam. La présence des forces armées américaines au Sud-Viet-Nam étant illégale, le Gouvernement des Etats-Unis n'est nullement habilité, en droit, à demander des comptes au Cambodge et à s'ingérer dans les affaires intérieures khmères aussi bien que dans les relations khméro-vietnamiennes.

"Les infiltrations d'éléments armés appartenant à la résistance nationale vietnamienne, au régime de Saigon et aux forces américaines se heurtent en toutes circonstances à la réaction des forces armées royales khmères qui défendent les frontières de la neutralité du Cambodge. Le Gouvernement royal constate d'ailleurs que les démarches ou les accusations du Gouvernement américain concernant les implantations vietnamiennes en territoire khmer s'avèrent régulièrement, après enquêtes sur place, sans aucun fondement. Quant aux infiltrations temporaires et inévitables, elles sont la conséquence directe de l'action militaire américaine contre le Viet-Nam et le Gouvernement des Etats-Unis en supporte donc l'entière responsabilité.

"En résumé, le Gouvernement royal déplore profondément que le Gouvernement des Etats-Unis persiste dans son attitude injuste à l'égard du Cambodge et, par son hostilité systématique, interdise toute amélioration des relations entre les deux pays. Il rappelle, à cette occasion, que, contrairement à leurs déclarations d'intention, les Etats-Unis maintiennent leur refus de reconnaître solennellement les frontières actuelles du Cambodge, de mettre fin à leurs agressions contre le territoire khmer, de reconnaître la réalité de leurs attaques meurtrières et d'en assumer la responsabilité et les conséquences. Dans ces conditions le Gouvernement royal ne serait aucunement justifié à adopter une mesure de bienveillance à l'endroit du LCU 1577 et de son équipage."

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies,
(Signé) Huor Sambath

of military aggression committed by Portuguese armed forces.

On 6 November 1968, Portuguese armed forces violated Zambian territory and took up positions at Kameta village in the Katete district of the Eastern Province of Zambia near the Mozambique border.

Zambian security forces on regular patrol were engaged by Portuguese armed forces and in a clash that ensued one Portuguese soldier known to be a commander was killed and four others seriously wounded. One Zambian soldier was also wounded.

This incident is only one in a series of similar unprovoked aggressive acts by Portuguese armed forces against Zambia. Further information will be supplied as and when it becomes available.

In view of the gravity of the situation I would like to request that this letter be circulated to all members of the Security Council.

(Signed) Vernon J. MWAANGA
Permanent Representative of Zambia
to the United Nations

grants d'agression militaire commis par les forces armées portugaises.

Le 6 novembre 1968, des forces armées portugaises, en violation du territoire zambien, sont allées établir des positions au village de Kameta dans le district de Katete de la province orientale de la Zambie, près de la frontière du Mozambique.

Les forces de sécurité zambiennes qui effectuaient leur patrouille normale ont été attaquées par les forces armées portugaises et, dans le combat qui s'est ensuivi, un soldat portugais que l'on sait être un des chefs a été tué et quatre autres ont été gravement blessés. Un soldat zambien a également été blessé.

Cet incident n'est que l'un des nombreux actes d'agression analogues commis sans provocation par les forces armées portugaises contre la Zambie. Des renseignements supplémentaires vous seront communiqués au fur et à mesure qu'ils nous parviendront.

En raison de la gravité de la situation, je vous prie de bien vouloir faire distribuer le texte de cette lettre à tous les membres du Conseil de sécurité.

Le représentant permanent de la Zambie
auprès de l'Organisation des Nations Unies,
(Signé) Vernon J. MWAANGA

DOCUMENT S/8897

Letter dated 14 November 1968 from the Secretary-General to the President of the Security Council

[Original text: English]
[15 November 1968]

I have the honour to transmit the text of resolution 2383 (XXIII) concerning the question of Southern Rhodesia, which was adopted by the General Assembly at its 1710th plenary meeting, on 7 November 1968.

In adopting this resolution, the General Assembly, in operative paragraph 9,

"Draws the attention of the Security Council to the urgent necessity of applying the following measures envisaged under Chapter VII of the Charter of the United Nations:

"(a) The scope of the sanctions should be widened further to include all the measures laid down in Article 41 of the Charter with respect to the illegal racist régime in Southern Rhodesia;

"(b) Sanctions should be imposed on South Africa and Portugal, the Governments of which have blatantly refused to carry out the mandatory decisions of the Security Council;"

(Signed) U THANT
Secretary-General

[For the text of resolution 2383 (XXIII), see Official Records of the General Assembly, Twenty-third Session, Supplement No. 18.]

Lettre, en date du 14 novembre 1968, adressée au Président du Conseil de sécurité par le Secrétaire général

[Texte original en anglais]
[15 novembre 1968]

J'ai l'honneur de vous communiquer le texte de la résolution 2383 (XXIII), relative à la question de la Rhodésie du Sud, que l'Assemblée générale a adoptée à sa 1710^e séance plénière, le 7 novembre 1968.

En adoptant cette résolution, l'Assemblée générale, par le paragraphe 9 du dispositif :

"Appelle l'attention du Conseil de sécurité sur la nécessité urgente d'appliquer les mesures ci-après envisagées au Chapitre VII de la Charte des Nations Unies :

"a) La portée des sanctions devrait être élargie davantage de manière à englober toutes les mesures énoncées à l'Article 41 de la Charte en ce qui concerne le régime illégal raciste en Rhodésie du Sud;

"b) Des sanctions devraient être prises contre l'Afrique du Sud et le Portugal, dont les gouvernements ont refusé de façon flagrante d'appliquer les décisions obligatoires du Conseil de sécurité".

Le Secrétaire général,

(Signé) U THANT

[Pour le texte de la résolution 2383 (XXIII), voir Documents officiels de l'Assemblée générale, vingt-troisième session, Supplément n° 18.]

DOCUMENT S/8899

Letter dated 15 November 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[18 November 1968]

On the instructions of my Government and further to my letter of 15 October 1968 [S/8859], I have the

Lettre, en date du 15 novembre 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[18 novembre 1968]

D'ordre de mon gouvernement et suite à ma lettre du 15 octobre 1968 [S/8859], j'ai l'honneur de vous

honour to bring the following to your attention, for the information of the members of the Security Council.

On 23 October 1968, at about 9.15 a.m., two helicopters of the United States-South Viet-Name forces flew over Cambodian air space at the village of Koh Kban, district of Chantrea, province of Svay Rieng, and fired several bursts of automatic arms fire at the village, killing on the spot a peasant named Sau Yim, aged forty-nine years.

On 4 September, at about 7.30 a.m., units of the United States-South Viet-Name forces fired at a Viet-Name, Pham Van Tieng, who was 150 metres inside Cambodian territory, from the open market close to the Cambodian-Viet-Name frontier at Bavet, district of Svay Teap, province of Svay Rieng. The man, who was an inhabitant of Cambodia, was seriously wounded and carried off by the aggressors into South Viet-Nam.

On the same day, at 12.30 p.m., a unit of the United States-South Viet-Name armed forces from the post of Trapho penetrated into Cambodian territory at the villages of Preah Trohing and Koh Thnot, commune of Prek Kroeus, district of Kompong Trach, province of Kampot. The aggressors took away by force into South Viet-Nam six peaceful Cambodian peasants.

On 24 September, at about 8 a.m., a unit of the United States-South Viet-Name armed forces from the post at Cai Muong (Chaudoc), on frontier patrol, fired several bursts from automatic weapons at the Cambodian Provincial Guard post at Koh Sko, in the commune of Koh Sampeou, district of Peam Chor, province of Prey Veng. Three horses at the post were killed as a result of the firing.

On 26 September, at about 8 a.m., other units of the United States-South Viet-Name armed forces from the Kinh Thay Bang post (Chaudoc) directed artillery fire at Cambodian territory. Two shells hit the Cambodian village of Bakday, commune of Prek Phtol, district of Prey Krabas, province of Takeo. A fisherman's hut was damaged by the shell-bursts.

On the same day, at about 6.30 p.m., units of the United States-South Viet-Name armed forces from the Cai Vang post (Chaudoc) directed artillery fire at Cambodian territory; several shells fell some 1,500 metres from the Cambodian-South Viet-Name frontier in the commune of Peam Montea, district of Kompong Trabek, province of Prey Veng. A two-year-old boy and a cow-buffalo were wounded by shell-bursts.

On 29 and 30 September, at about 9 a.m. and 8.30 a.m. respectively, units of the United States-South Viet-Name armed forces, on frontier patrol in six outboard motor-boats, discharged several bursts of automatic arms fire at the Cambodian Provincial Guard post at Koh Sampeou, district of Peam Chor, province of Prey Veng, damaging a vessel moored near the said post.

During the night of 29-30 September 1968, the explosion of a flare fired from installations of the United States-South Viet-Name armed forces seriously injured an inhabitant named Oum Vann of the commune of Pong Tuk, district of Rumduol, province of Svay Rieng. The incident took place roughly 6,000 metres inside Cambodian territory.

On 30 September, at about 3.20 p.m., five Hovercraft belonging to United States-South Viet-Name armed

faire tenir, pour l'information des membres du Conseil de sécurité, ce qui suit.

Le 23 octobre 1968, vers 9 h 15, deux hélicoptères des forces américano-sud-vietnamiennes ont survolé l'espace aérien khmer dans le village de Koh Kban, district de Chantrea, province de Svay Rieng, et ont tiré plusieurs rafales d'armes automatiques sur ledit village, tuant sur place un paysan nommé Sau Yim, âgé de 49 ans.

Le 4 septembre, vers 7 h 30, les éléments des forces américano-sud-vietnamiennes ont, du marché à ciel ouvert à proximité de la frontière khméro-vietnamienne à Bavet, district de Svay Teap, province de Svay Rieng, tiré sur un Vietnamien nommé Pham Van Tieng se trouvant à 150 mètres à l'intérieur du territoire cambodgien. La victime, grièvement blessée, a été emportée par les agresseurs au Sud-Viet-Nam. Ce Vietnamien est un habitant du Cambodge.

Le même jour, vers 12 h 30, un groupe de militaires américano-sud-vietnamiens du poste de Trapho a pénétré dans le territoire du Cambodge dans les villages de Preah Trohing et de Koh Thnot, commune de Prek Kroeus, district de Kompong Trach, province de Kampot. Les agresseurs y ont enlevé six paisibles paysans cambodgiens et les ont emmenés de force au Sud-Viet-Nam.

Le 24 septembre, vers 8 heures, un groupe de militaires américano-sud-vietnamiens du poste de Cai Muong (Chaudoc) en patrouille le long de la frontière a tiré plusieurs rafales d'armes automatiques sur le poste de la garde provinciale cambodgienne de Koh Sko, commune de Koh Sampeou, district de Peam Chor, province de Prey Veng. Ces tirs ont causé la perte de trois chevaux dudit poste.

Le 26 septembre, vers 8 heures, d'autres éléments des forces américano-sud-vietnamiennes du poste de Kinh Thay Bang (Chaudoc) ont tiré au canon en direction du territoire du Cambodge. Deux obus ont touché le village cambodgien de Bakday, commune de Prek Phtol, district de Prey Krabas, province de Takeo. Une cabane de pêcheur a été endommagée par les éclats de ces obus.

Le même jour, vers 18 h 30, les éléments des forces américano-sud-vietnamiennes du poste de Cai Vang (Chaudoc) ont tiré au canon en direction du territoire du Cambodge et plusieurs obus sont tombés à environ 1 500 mètres de la frontière khméro-sud-vietnamienne dans la commune de Peam Montea, district de Kompong Trabek, province de Prey Veng. Un garçonnet de deux ans et une bufflesse ont été blessés par les éclats d'obus.

Les 29 et 30 septembre, vers respectivement 9 heures et 8 h 30 du matin, les éléments des forces américano-sud-vietnamiennes patrouillant le long de la frontière à bord de six hors-bord ont tiré plusieurs rafales d'armes automatiques sur le poste cambodgien de la garde provinciale de Koh Sampeou, district de Peam Chor, province de Prey Veng, causant des dommages à une barque amarrée près dudit poste.

Dans la nuit du 29 au 30 septembre, l'explosion d'une fusée éclairante lancée par des appareils des forces américano-sud-vietnamiennes a grièvement blessé un habitant nommé Oum Vann domicilié dans la commune de Pong Tuk, district de Rumduol, province de Svay Rieng. L'incident a eu lieu à environ 6 000 mètres à l'intérieur du territoire du Cambodge.

Le 30 septembre, vers 15 h 20, cinq hydroglisseurs des forces américano-sud-vietnamiennes ont pénétré à

forces penetrated some 500 metres inside Cambodian territory. Several bursts of automatic arms fire were discharged from these craft at the Cambodian village of Setkramuon, commune of Peam Montea, district of Kompong Trabek, province of Prey Veng. The spirited retaliation by the combined units of the Cambodian Defence Forces obliged the aggressors to withdraw into South Viet-Nameese territory under the cover of artillery and mortar fire from United States and South Viet-Nameese units at the post of Cai Veng. A Cambodian inhabitant of that village was wounded and five oxen were lost as a result of the fire from the United States and South Viet-Nameese forces.

On 2 October, at about 3.30 p.m., units of the United States and the South Viet-Nameese forces from the Long Khot post (Kien Tuong), while on frontier patrol, fired at herds of buffalo grazing at a spot roughly 500 metres inside Cambodian territory, in the commune of Banteay Kraing, district of Kompong Rau, province of Svay Rieng. One of the buffaloes was wounded.

On 11 October, from 2.45 a.m. until 7.50 a.m., units of the United States and South Viet-Nameese armed forces from the Cai Vang and Vinh Dien posts (Kien Tuong) directed artillery fire at Cambodian territory. A number of shells fell in the commune of Peam Montea, district of Kompong Trabek, province of Prey Veng, roughly 500 metres inside Cambodian territory.

Simultaneously with this fire, the same forces, estimated at company strength, aboard some ten craft, fired a number of shots at the Provincial Guard post at Peam Montea. This aggression caused the following losses and damage: 1 Viet-Nameese inhabitant wounded, 1 buffalo killed, 5 buffaloes wounded, a number of pigs killed and injured, 2 houses destroyed and 2 huts at the post hit by shell bursts.

On 13 October, at about 1.15 p.m., a delayed-action bomb dropped beforehand by an aircraft of the United States and South Viet-Nameese air forces into a paddy field roughly 800 metres inside Cambodian territory in the commune of Khset, district of Kompong Rau, province of Svay Rieng, exploded and wounded five inhabitants as well as destroying a house.

On 15 October, at about 3 p.m., four Cambodian inhabitants stepped on mines laid by United States and South Viet-Nameese forces in the region of Samrong Chen, commune and district of Banteay Meas, province of Kampot. Two of the victims, Meach Heun, aged 16, and Eat Chan, aged 18, were mortally wounded; two others, In Nhing, aged 19 and Long Sorn, aged 20, were seriously wounded.

On 16 October, at about 9.30 a.m., units of United States and South Viet-Nameese troops, estimated at section strength, coming from Tinh Bien, engaged a combined Cambodian patrol roughly 1,500 metres inside Cambodian territory near the commune of Prey Yuthkar, district of Preah Bat Choan Chum, province of Takeo. The aggressors seized two peaceful Cambodian inhabitants and took them by force into Viet-Nam.

On 21 October, at approximately 7 a.m., six heavily-armed United States troops, landed from a helicopter, deliberately machine-gunned the village of Muong, commune of Choam Kravien, district of Mimot, province of Kompong Cham, at about 1,500 metres from the

500 mètres environ à l'intérieur du territoire du Cambodge. Plusieurs rafales d'armes automatiques ont été tirées de ces engins sur le village cambodgien de Setkramuon, commune de Peam Montea, district de Kompong Trabek, province de Prey Veng. La riposte énergique des éléments combinés des forces de la défense cambodgienne a obligé les agresseurs à se retirer en territoire sud-vietnamien sous le couvert des tirs de canons et mortiers effectués par les forces américano-sud-vietnamiennes du poste de Cai Vang. Les tirs des forces américano-sud-vietnamiennes ont blessé un habitant cambodgien dudit village et occasionné la perte de cinq bœufs.

Le 2 octobre, vers 15 h 30, les éléments des forces américano-sud-vietnamiennes du poste de Long Khot (Kien Tuong), en patrouille le long de la frontière, ont tiré des coups de feu sur les troupeaux de buffles en pâturage à un endroit situé à environ 500 mètres à l'intérieur du territoire du Cambodge dans la commune de Banteay Kraing, district de Kompong Rau, province de Svay Rieng. Un de ces buffles a été blessé.

Le 11 octobre, vers 2 h 45 jusqu'à 7 h 50 du matin, les éléments des forces américano-sud-vietnamiennes des postes de Cai Vang et Vinh Dien (Kien Tuong) ont tiré au canon en direction du territoire du Cambodge. Plusieurs obus sont tombés dans la commune de Peam Montea, district de Kompong Trabek, province de Prey Veng, à environ 500 mètres à l'intérieur du territoire cambodgien.

En même temps que ces tirs, les mêmes forces évaluées à une compagnie, montées à bord d'une dizaine de barques ont tiré plusieurs coups de feu sur le poste de la garde provinciale de Peam Montea. Cette agression a causé les pertes et dommages suivants : 1 ressortissant vietnamien blessé, 1 buffle tué, 5 buffles blessés, des porcs tués et blessés, 2 maisons détruites, 2 barques du poste touchées par les éclats d'obus.

Le 13 octobre, vers 13 h 15, une bombe à retardement larguée antérieurement par un appareil des forces aériennes américano-sud-vietnamiennes dans une rizière à environ 800 mètres à l'intérieur du territoire du Cambodge, dans la commune de Khset, district de Kompong Rau, province de Svay Rieng, a explosé, blessant cinq habitants et détruisant une maison.

Le 15 octobre, vers 15 heures, quatre habitants cambodgiens ont sauté sur des mines piégées par les militaires américano-sud-vietnamiennes dans la région de Samrong Chen, commune et district de Banteay Meas, province de Kampot. Deux des victimes, nommées Meach Heun, 16 ans, et Eat Chan, 18 ans, ont été mortellement atteintes et deux autres, nommées In Nhing, 19 ans, et Long Sorn, 20 ans, grièvement blessées.

Le 16 octobre, vers 9 h 30, les éléments des forces américano-sud-vietnamiennes évalués à une section venant de Tinh Bien ont pris à partie une patrouille mixte cambodgienne à environ 1 500 mètres à l'intérieur du territoire du Cambodge au niveau de la commune de Prey Yuthkar, district de Preah Bat Choan Chum, province de Takeo. Les agresseurs ont enlevé deux paisibles habitants cambodgiens et les ont emmenés de force au Viet-Nam.

Le 21 octobre, vers 7 heures, six soldats américains bien armés, débarqués d'un hélicoptère, ont délibérément mitraillé le village de Muong, commune de Choam Kravien, district de Mimot, province de Kompong Cham, à environ 1 500 mètres de la frontière

Cambodian-South Viet-Nameese frontier. Two inhabitants were wounded and damage was caused to several houses and other property.

The Royal Government of Cambodia has strongly protested against these repeated acts of aggression, the deliberate shooting, the abductions, the laying of mines and all criminal acts continually committed by United States and South Viet-Nameese forces against Cambodia and its peaceful inhabitants. It has once again demanded that the Governments of the United States of America and of the Republic of Viet-Nam should put an immediate end to such acts and pay compensation to the victims.

I should be grateful if you would have the text of this letter circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

khméro-sud-vietnamienne. Deux habitants ont été blessés et plusieurs maisons et autres biens endommagés.

Le Gouvernement royal du Cambodge a protesté avec indignation contre les agressions répétées, les tirs délibérés, les enlèvements, la pose des mines et tous les actes criminels commis continuellement par les forces américano-sud-vietnamiennes contre le Cambodge et ses paisibles habitants. Il a exigé une fois de plus que les Gouvernements des Etats-Unis d'Amérique et de la République du Viet-Nam mettent fin sans délai à de tels actes et indemnisent les victimes.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies,
(Signé) HUOT Sambath

DOCUMENT S/8900

Letter dated 15 November 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[18 November 1968]

On the instructions of my Government and further to my letter of 15 November 1968 [S/8899], I have the honour to inform you that, during the period 8 September to 9 October 1968, United States-South Viet-Nameese air forces violated Cambodian air space twenty-one times at the following places, dates and times.

On 8 September 1968, at 12 noon, five aircraft raked the vicinity of Peam Veal Sralas, village of Tanou, commune of Chambak, district of Svay Rieng, province of Svay Rieng, with machine-gun fire. On the same day, at 4 p.m., the same places were machine-gunned by two F-105 aircraft and one reconnaissance aircraft for thirty minutes.

On 11 September, Cambodian air space was violated several times over the village of Bavet and the centre of Chipou, commune of Chrak Mtes, district of Svay Teap, province of Svay Rieng: at 10 a.m., by two F-105 aircraft flying at an altitude of about 2,000 metres; at 11.55 a.m., by two F-105 aircraft flying at an altitude of about 1,500 metres; at 2 p.m., by a helicopter flying at an altitude of about 1,500 metres; at 3.35 and 3.40 p.m., by two F-105 aircraft flying at an altitude of about 1,500 metres. On the same day, at about 12.25 p.m., an aircraft flying at an altitude of 2,000 metres penetrated to a depth of five to ten kilometres in the vicinity of the villages of Am Pork, Chi Mon, Toum Peang, province of Kompong Cham.

On 12 September, at 7.30 a.m., two aircraft flying at an altitude of 1,500 metres penetrated to a depth of three kilometres in the vicinity of the village of Phnom Den, commune of Phnom Den, and of the villages of Phothi Sangke and Tuol Kamnap, district of Preah Bat Chon Chum, province of Takeo.

On 17 September, at 10.40 a.m., an aircraft flying at an altitude of 2,000 metres penetrated to a depth

Lettre, en date du 15 novembre 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[18 novembre 1968]

D'ordre de mon gouvernement et suite à ma lettre du 15 novembre 1968 [S/8899] j'ai l'honneur de porter à votre connaissance que, pendant la période du 8 septembre au 9 octobre 1968, les forces aériennes américano-sud-vietnamiennes ont violé 21 fois l'espace aérien du Cambodge aux lieux, dates et heures suivants :

Le 8 septembre 1968, à midi, par 5 avions avec mitraillage à la hauteur de Peam Veal Sralas, village de Tanou, commune de Chambak, district de Svay Rieng, province de Svay Rieng; à 16 heures, par 2 avions F-105 et 1 avion d'observation avec mitraillage durant 30 minutes, sur les mêmes localités.

Le 11 septembre, à plusieurs reprises au-dessus du village de Bavet et du centre de Chipou, commune de Chrak Mtes, district de Svay Teap, province de Svay Rieng : à 10 heures, par 2 avions F-105 à environ 2 000 m d'altitude; à 11 h 55, par 2 avions F-105 à environ 1 500 m d'altitude; à 14 heures, par 1 hélicoptère à environ 1 500 m d'altitude; à 15 h 35 et à 15 h 40, par 2 avions F-105 à environ 1 500 m d'altitude; vers 12 h 25, par 1 avion à 2 000 m d'altitude sur une profondeur de 5 à 10 km et à la hauteur des villages de Am Pork, Chi Mon, Toum Peang, province de Kompong Cham.

Le 12 septembre, à 7 h 30, par 2 avions à 1 500 m d'altitude sur une profondeur de 3 km à la hauteur du village de Phnom Den, commune de Phnom Den et des villages de Phothi Sangke et Tuol Kamnap, district de Preah Bat Chon Chum, province de Takeo.

Le 17 septembre, à 10 h 40, par 1 avion à 2 000 m d'altitude sur une profondeur de 8 km à la hauteur du

of eight kilometres in the vicinity of the village of Koh Rocar, district of Peam Chor, province of Prey Veng.

On 19 September, at 3.18 p.m., two F-105 aircraft flying at an altitude of 2,000 metres penetrated to a depth of twenty to twenty-five kilometres in the vicinity of the villages of Saam, Chipeang, Prit, in the plantation of Krek, district of Mimot, province of Kompong Cham.

On 20 September, an aircraft of the United States-South Viet-Namese air forces twice flew over the market of Mimot, province of Kompong Cham, at an altitude of 700 to 800 metres.

On 21 September, at 9.15 a.m. an F-105 aircraft flying at an altitude of 2,000 metres penetrated to a depth of eight kilometres in the vicinity of Koh Rocar and Prek Sambour, district of Peam Chor, province of Prey Veng.

On 22 September, at 11 a.m., an aircraft flew over the village of Angkor Borei, *srok* of Angkor Borei, province of Takeo, at an altitude of 800 metres. On the same day at 7.55 p.m., a Dakota aircraft flew over the National Security post and the customs house at Bavet, district of Svay Teap, province of Svay Rieng, and dropped a flare.

On 23 September, at about 8.30 a.m., an L-19 aircraft flying at an altitude of 1,500 metres twice penetrated to a depth of 4,000 metres in the vicinity of Koh Rokar, district of Peam Chor, province of Prey Veng; at about 8.35 a.m., a Dakota flying at an altitude of 800 metres penetrated to a depth of 1,500 metres in the vicinity of Kaam Samnar Krom, district of Loeuk Dek, province of Kandal; at about 12.30 p.m., a helicopter flew over the town of Svay Rieng at an altitude of 1,000 metres.

On 24 September, at 8.40 a.m., a Neptune aircraft flying at an altitude of 400 metres penetrated to a depth of 800 metres in the vicinity of the *sangkat* of Sampeou Poun and the *sangkat* of Prek Chrey, district of Koh Thom, province of Kandal. On the same day, at about 5.50 a.m., two aircraft flew over the centre of Mimot and Khnang Krapeu, district of Mimot, at an altitude of 1,000 metres.

On 28 September, at 8.25 a.m., two aircraft flying at an altitude of 800 metres penetrated to a depth of 2,000 metres over the *sangkat* of Kaam Samnar Krom, *srok* of Loeuk Dek, Khet Kandal.

On 30 September, at 3.30 p.m., five helicopters machine-gunned inhabitants of the *phum* of Phsoet Kramuon, commune of Peam Montea, district of Kompong Trabek, province of Prey Veng, killing on the spot a man named Nguyen Van Dut.

On 5 October, at 3.40 p.m., two F-105 aircraft flying at an altitude of 2,000 metres penetrated to a depth of 4,000 metres over the commune of Koh Rokar, district of Peam Chor, province of Prey Veng.

On 6 October, at 10 a.m., one L-19 reconnaissance aircraft and two F-105 aircraft flew over the district of Romeas Hek, province of Svay Rieng, and fired rockets at the inhabitants, in the vicinity of the National Guard post of Tanou, 150 metres inside Cambodian territory. On the same day, about 10.20 a.m., an L-19 aircraft flew over the same spot at an altitude of 1,500 metres and penetrated to a depth of 500 metres.

On 9 October, at about 3 p.m., three aircraft flew several times over the commune of Choam Kravien,

village of Koh Rocar, district of Peam Chor, province of Prey Veng.

Le 19 septembre, à 15 h 18, par 2 avions F-105 à 2 000 m d'altitude sur une profondeur de 20 à 25 km et à la hauteur des villages de Saam, Chipeang, Prit, à la plantation de Krek, district de Mimot, province de Kompong Cham.

Le 20 septembre, par 1 avion des forces américano-sud-vietnamiennes survolant à deux reprises, au-dessus du marché de Mimot, province de Kompong Cham, à une altitude de 700 à 800 m.

Le 21 septembre, à 9 h 15, par 1 avion F-105 à 2 000 m d'altitude sur une profondeur de 8 km et à la hauteur de Koh Rocar et Prek Sambour, district de Peam Chor, province de Prey Veng.

Le 22 septembre, à 11 heures, par 1 avion à une altitude de 800 m au-dessus du village d'Angkor Borei, *srok* d'Angkor Borei, province de Takeo; à 19 h 55, par 1 avion Dakota au-dessus du poste de la Sécurité nationale et du poste de douanes à Bavet, district de Svay Teap, province de Svay Rieng, avec lancement d'une fusée éclairante.

Le 23 septembre, vers 8 h 30, par 1 avion L-19 à deux reprises, à la hauteur de Koh Rokar, district de Peam Chor, province de Prey Veng, à une altitude de 1 500 m et sur une profondeur de 4 000 m; vers 8 h 35, par 1 avion Dakota à la hauteur de Kaam Samnar Krom, district de Loeuk Dek, province de Kandal, à une altitude de 800 m et sur une profondeur de 1 500 m; vers 12 h 30, par 1 hélicoptère à 1 000 m d'altitude au-dessus de la ville de Svay Rieng.

Le 24 septembre, à 8 h 40, par 1 avion Neptune à la hauteur du *sangkat* de Sampeou Poun et de *sangkat* Prek Chrey, district de Koh Thom, province de Kandal, à une altitude de 400 m et sur une profondeur de 800 m; vers 5 h 50, par 2 avions au-dessus du centre de Mimot et Khnang Krapeu, district de Mimot, à une altitude de 1 000 m.

Le 28 septembre, à 8 h 25, par 2 avions au-dessus du *sangkat* de Kaam Samnar Krom, *srok* Loeuk Dek, Khet Kandal à une altitude de 800 m. et sur une profondeur de 2 000 m.

Le 30 septembre, à 15 h 30, par 5 hélicoptères avec mitraillage des habitants du *phum* de Phsoet Kramuon, commune de Peam Montea, district de Kompong Trabek, province de Prey Veng, tuant sur place le nommé Nguyen Van Dut.

Le 5 octobre, à 15 h 40, par 2 avions F-105 au-dessus de la commune de Koh Rokar, district de Peam Chor, province de Prey Veng, à une altitude de 2 000 m et sur une profondeur de 4 000 m.

Le 6 octobre, à 10 heures, par 1 avion d'observation L-19 et 2 avions F-105 au-dessus du district de Romeas Hek, province de Svay Rieng, avec tir de roquettes sur les habitants, aux environs du poste de la garde provinciale de Tanou, à 150 m à l'intérieur du territoire du Cambodge; vers 10 h 20, par un avion L-19 au-dessus de la même localité à une altitude de 1 500 m et sur une profondeur de 500 m.

Le 9 octobre, vers 15 heures, par 3 avions à 1 000 m d'altitude et à plusieurs reprises au-dessus de la com-

district of Mimot, province of Kompong Cham, at an altitude of 1,000 metres. The members of the International Commission for Supervision and Control who were present at the above-mentioned time were eye-witnesses of these violations.

The Royal Government of Cambodia has energetically protested against these repeated violations of Cambodian air space, which in some cases were followed by machine-gun fire causing material damage and endangering the lives of the inhabitants of the border area. It has demanded that the Government of the United States of America and the Government of the Republic of Viet-Nam should put an end to such acts and pay compensation to the families of the victims.

I should be grateful if you would have the text of this letter circulated as a Security Council document.

(Signed) Huot Sambath
Permanent Representative of Cambodia
to the United Nations

mune de Choam Kravien, district de Mimot, province de Kompong Cham. Les membres de la Commission internationale de surveillance et de contrôle présents au moment sus-indiqué dans ladite commune ont constaté de visu ces violations.

Le Gouvernement royal du Cambodge a protesté énergiquement contre ces violations répétées de l'espace aérien du Cambodge suivies dans certains cas de mitraillage causant des dégâts aux biens et mettant en danger la vie de la population frontalière. Il a exigé que les Gouvernements des Etats-Unis d'Amérique et de la République du Viet-Nam mettent fin à de tels actes et indemnisent les familles des victimes.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre comme document du Conseil de sécurité.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies,
(Signé) Huot Sambath

DOCUMENT S/8901

Letter dated 15 November 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[18 November 1968]

On the instructions of my Government and further to my letter of 6 November 1968 [S/8889], I have the honour to bring the following to your attention, for the information of the members of the Security Council.

On 23 September 1968, at about 7.15 a.m., Cambodian troops from the Ampil barracks, while on a reconnaissance patrol, engaged about forty armed Thai soldiers for one hour at a place called Khnach Pring, about three kilometres from the frontier and eight kilometres north-east of the commune of Ampil, *srok* of Banteay Chhmar, province of Oddar Meanchey.

On 28 September, units of the Cambodian Provincial Guard of Poipet, assisted by units of the National Defence Forces from the Kaup barracks, discovered while on patrol two plastic bombs laid by Thai soldiers at a place bordering on the National Highway No. 5, about 2,500 metres from Poipet, province of Battambang.

On 3 October, at 7 p.m., about 100 Thai soldiers, heavily armed with rifles and three mortars, penetrated into Cambodian territory as far as Phnom de Kou, *srok* of Samrong, province of Oddar Meanchey. They carried off two local villagers in order to cross-examine them about the number of troops and the strength of the Cambodian defences in that area.

On the night of 6-7 October, mixed units of the quartier of Mondul Sema, consisting of units of the Khmer Royal Armed Forces and of the National Defence Forces, intercepted a Thai fishing junk engaged in clandestine fishing in Cambodian territorial waters, three kilometres off Koh Yor, province of Koh Kong. The four members of the crew were able to swim away in the dark.

Lettre, en date du 15 novembre 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[18 novembre 1968]

D'ordre de mon gouvernement et suite à ma lettre du 6 novembre 1968 [S/8889], j'ai l'honneur de vous faire tenir, pour l'information des membres du Conseil de sécurité, ce qui suit :

Le 23 septembre 1968, vers 7 h 15, les militaires cambodgiens du sous-quartier d'Ampil ont, au cours d'une patrouille de surveillance, accroché durant une heure un groupe d'une quarantaine de soldats thaïlandais armés, à un endroit appelé Khnach Pring, à environ 3 km de la frontière et à 8 km au nord-est de la commune d'Ampil, *srok* de Banteay Chhmar, province d'Oddar Meanchey.

Le 28 septembre, des éléments de la garde provinciale cambodgienne de Poipet aidés des éléments des forces nationales de défense du quartier de Kaup ont découvert, au cours d'une patrouille, deux bombes au plastic posées par des soldats thaïlandais à un endroit situé en bordure de la route nationale n° 5, à environ 2 500 m avant Poipet, province de Battambang.

Le 3 octobre, à 19 heures, environ 100 soldats thaïlandais et fortement armés de fusils et de 3 mortiers sont entrés dans le territoire du Cambodge jusqu'à Phnom de Kou, *srok* de Samrong, province d'Oddar Meanchey. Ils y ont enlevé deux villageois du lieu pour leur faire subir un interrogatoire concernant les effectifs et l'importance de la défense cambodgienne du lieu.

Dans la nuit du 6 au 7 octobre, les éléments mixtes du quartier de Mondul Sema, composés des éléments des forces armées royales khmères et des éléments des forces nationales de défense, ont arraisonné une jonque de pêche thaïlandaise en train de se livrer à la pêche clandestine dans les eaux territoriales cambodgiennes à 3 km en face de Koh Yor, province de Koh Kong. Les quatre membres de son équipage ont pu se sauver à la nage à la faveur de la nuit.

I should be grateful if you would have the text of this letter circulated as a Security Council document.

(Signed) Huot Sambath
Permanent Representative of Cambodia
to the United Nations

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente communication comme document du Conseil de sécurité.

Le représentant permanent du Cambodge,
auprès de l'Organisation des Nations Unies,
(Signé) Huot Sambath

DOCUMENT S/8939

Letter dated 16 December 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[19 December 1968]

On the instructions of my Government and further to my letter of 18 November 1968 [S/8903], I have the honour to communicate to you details of an attack made on the Cambodian inhabitants of the village of Bat Banleak by three motor-boats of the United States-South Viet-Nameese armed forces, as follows.

On the morning of 16 November 1968, three motor-boats of the United States-South-Viet-Nameese armed forces navigating on the river Giang Thanh opened fire on the Cambodian inhabitants working in the paddies belonging to the village of Bat Banleak, commune of Prek Kroeus, district of Kompong Trach, province of Kampot, about 200 metres from the Cambodian-South Viet-Nameese frontier, causing the following casualties: twelve persons killed on the spot (nine women and three children), six persons seriously wounded and one cow killed. The same craft, aided by three helicopters and two spotter planes, then machine-gunned Cambodian peasants of the village of Prey Prous, situated in the same commune; as a result, a further person was very seriously wounded.

The members of the International Commission for Supervision and Control and foreign and local press correspondents were eye-witnesses to the victims and the traces of the massacre.

The Royal Government of Cambodia has protested with profound indignation against the unprecedented and criminal atrocity committed against innocent peasants, in broad daylight, by United States-South Viet-Nameese armed forces. It has demanded that the Government of the United States of America and the Government of the Republic of Viet-Nam should put an end to such killings at once and pay compensation to the families of the victims.

I should be grateful if you would have the text of this letter circulated as a Security Council document.

(Signed) Huot Sambath
Permanent Representative of Cambodia
to the United Nations

Lettre, en date du 16 décembre 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[19 décembre 1968]

D'ordre de mon gouvernement, et suite à ma lettre du 18 novembre 1968 [S/8903], j'ai l'honneur de vous faire tenir ci-dessous les détails de l'attaque des habitants cambodgiens du village de Bat Banleak par trois vedettes des forces armées américano-sud-vietnamiennes :

Le 16 novembre 1968, dans la matinée, trois vedettes des forces armées américano-sud-vietnamiennes naviguant dans la rivière de Giang Thanh ont tiré sur les habitants cambodgiens travaillant dans les rizières du village de Bat Banleak, commune de Prek Kroeus, district de Kompong Trach, province de Kampot, à environ 200 mètres de la frontière khméro-sud-vietnamienne causant : 12 tués sur place (9 femmes et 3 enfants), 6 blessés graves et une vache également tuée. Ces mêmes vedettes, appuyées par trois hélicoptères et deux avions d'observation, ont mitraillé ensuite les paysans cambodgiens du village de Prey Prous se trouvant dans la même commune, blessant une autre personne très gravement.

Les membres de la Commission internationale de surveillance et de contrôle, les correspondants de la presse étrangère et locale ont constaté *de visu* les victimes et les traces de ce massacre.

Le Gouvernement royal du Cambodge a protesté avec une profonde indignation contre le crime d'une atrocité sans précédent commis sur les paysans innocents et en plein jour par les forces armées américano-sud-vietnamiennes. Il a exigé que les Gouvernements des Etats-Unis d'Amérique et de la République du Viet-Nam mettent fin sans délai à de tels actes d'assassinat et indemnisent les familles des victimes.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente communication comme document du Conseil de sécurité.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies,
(Signé) Huot Sambath

DOCUMENT S/8940

Letter dated 16 December 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[19 December 1968]

On the instructions of my Government and further to my letter of 27 November 1968 [S/8907], I have the

Lettre, en date du 16 décembre 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[19 décembre 1968]

D'ordre de mon gouvernement et suite à ma lettre du 27 novembre 1968 [S/8907], j'ai l'honneur de vous

honour to communicate to you, for the information of the members of the Security Council, the following facts.

On 10 November 1968, at approximately 2.15 p.m., two helicopters of the United States-South Viet-Nameese armed forces violated Cambodian air space and fired rockets at the village of Bathu, situated some 500 metres inside Cambodian territory, in the commune of Samrong, district of Chantrea, province of Svay Rieng. Some thirty buffaloes belonging to the inhabitants were killed and others were wounded.

On 12 November, at approximately 5 p.m., elements of the United States-South Viet-Nameese forces at the Long Binh (Chaudoc) post fired several bursts with automatic weapons at the Cambodian village of Prek Chrey, situated some 500 metres inside the frontier in the commune of Prek Chrey, district of Koh Thom, province of Kandal. A boy aged twelve, named Dinh Yang Son, was wounded during the shooting.

On 13 November, at approximately 8.15 p.m., soldiers of the United States-South Viet-Nameese forces at the Phuc Hung (Chaudoc) post fired cannons and mortars towards Khmer territory. Six shells fell some 1,000 metres over the frontier in the commune of Kompong Krassaing, district of Koh Andeth, province of Takeo, causing considerable damage to the fishing tackle of the inhabitants.

On 15 November, at approximately 6.30 a.m., elements of the United States-South Viet-Nameese forces at the South Viet-Nameese post at Trapeang Robang, after penetrating into Cambodian territory, opened heavy fire on a mixed Cambodian patrol, engaged in a routine inspection of the area, some 100 metres inside the frontier in the commune of Bos Mon, district of Rumduol, province of Svay Rieng. One private, 2nd class, named Ouk Van and two provincial guards named Meas Ven and Tork Sam Ath were killed on the spot. The aggressors then withdrew towards South Viet-Nam, having removed two revolvers, one machine pistol, one motorized bicycle and one bicycle belonging to the victims.

During the day of 20 November, elements of the United States-South Viet-Nameese armed forces, estimated to be some thirty strong, penetrated into Cambodian territory at a place known as Tuol Russey Muoy Koum (some 300 metres inside the frontier), in the commune of Thnot, district of Kompong Rau, province of Svay Rieng. During this incursion, at about 1.30 p.m., they deliberately open fire on a group of Cambodian peasants, killing on the spot a girl aged twelve named Neang Say Pech and a buffalo.

The Royal Government of Cambodia has lodged a vigorous, indignant protest against these new crimes committed by the United States-South Viet-Nameese armed forces against Khmer security forces and innocent peasants. These criminal acts are a deliberate provocation and cannot be justified. The Royal Government of Cambodia has demanded that the Governments of the United States of America and the Republic of Viet-Nam should put an end to such acts immediately and should pay compensation to the families of the victims.

faire tenir, pour l'information des membres du Conseil de sécurité, ce qui suit :

Le 10 novembre 1968, vers 14 h 15, deux hélicoptères des forces armées américano-sud-vietnamiennes ont violé l'espace aérien du Cambodge et tiré aux roquettes sur le village de Bathu, situé à environ 500 mètres à l'intérieur du territoire cambodgien, dans la commune de Samrong, district de Chantrea, province de Svay Rieng. Une trentaine de buffles appartenant aux habitants furent tués et d'autres blessés.

Le 12 novembre, vers 17 heures, les éléments des forces américano-sud-vietnamiennes du poste de Long Binh (Chaudoc) ont tiré plusieurs rafales d'armes automatiques sur le village cambodgien de Prek Chrey, situé à environ 500 mètres en deçà de la frontière, dans la commune de Prek Chrey, district de Koh Thom, province de Kandal. Au cours de ces tirs, un garçon âgé de 12 ans, nommé Dinh Yang Son, a été blessé.

Le 13 novembre, vers 20 h 15, les soldats des forces américano-sud-vietnamiennes du poste de Phuc Hung (Chaudoc) ont tiré au canon et au mortier en direction du territoire khmer. Six obus sont tombés à environ 1 000 mètres en deçà de la frontière, dans la commune de Kompong Krassaing, district de Koh Andeth, province de Takeo, causant des dégâts importants aux engins de pêche des habitants du lieu.

Le 15 novembre, vers 6 h 30, des éléments des forces américano-sud-vietnamiennes du poste sud-vietnamien de Trapeang Robang, après avoir pénétré dans le territoire du Cambodge, ont ouvert un feu violent sur une patrouille mixte cambodgienne, alors qu'elle effectuait comme d'habitude la surveillance du territoire, à une centaine de mètres en deçà de la frontière, dans la commune de Bos Mon, district de Rumduol, province de Svay Rieng. Le militaire de deuxième classe nommé Ouk Van et deux gardes provinciaux nommés Meas Ven et Tork Sam Ath ont été tués sur-le-coup. Les agresseurs se sont retirés ensuite vers le Viet-Nam du Sud après avoir enlevé deux revolvers, un pistolet automatique, une mobylette et une bicyclette appartenant aux victimes.

Dans la journée du 20 novembre 1968, des éléments des forces armées américano-sud-vietnamiennes estimés à une trentaine d'hommes ont pénétré dans le territoire cambodgien au lieu dit Tuol Russey Muoy Koum (environ 300 mètres en deçà de la frontière), relevant de la commune de Thnot, district de Kompong Rau, province de Svay Rieng. Pendant cette intrusion, vers 13 h 30, ils ont ouvert délibérément le feu sur un groupe de paysans cambodgiens, tuant sur-le-coup une fillette âgée de 12 ans nommée Neang Say Pech et un buffle.

Le Gouvernement royal du Cambodge a élevé une énergique protestation indignée contre ces nouveaux crimes commis par les forces armées américano-sud-vietnamiennes contre les forces de l'ordre et les paysans khmers innocents. Ces actes criminels constituent une provocation délibérée que rien ne pouvait justifier. Il a exigé que les Gouvernements des Etats-Unis d'Amérique et de la République du Viet-Nam mettent immédiatement fin à de tels actes et indemnisent les familles des victimes.

I should be grateful if you would have the text of this letter circulated as a Security Council document.

(Signed) Huor Sambath
Permanent Representative of Cambodia
to the United Nations

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente communication comme document du Conseil de sécurité.

Le représentant permanent du Cambodge
auprès de l'Organisation des Nations Unies,
(Signé) Huor Sambath

DOCUMENT S/8943

Letter dated 23 December 1968 from the Secretary-General to the President of the Security Council

[Original text: English]
[27 December 1968]

I have the honour to transmit the text of resolution 2403 (XXIII) on the question of Namibia which the General Assembly adopted at its 1742nd plenary meeting, on 16 December 1968.

In so doing, I have the honour to draw particular attention to operative paragraphs 3 and 4 in which the General Assembly "decides to draw the attention of the Security Council to the serious situation which has arisen as a result of the illegal presence and actions of the Government of South Africa in Namibia" and "recommends the Security Council urgently to take all effective measures, in accordance with the relevant provisions of the Charter of the United Nations, to ensure the immediate withdrawal of South African authorities from Namibia so as to enable Namibia to attain independence in accordance with the provisions of General Assembly resolutions 1514 (XV) and 2145 (XXI)".

(Signed) U THANT
Secretary-General

[For the text of resolution 2403 (XXIII), see Official Records of the General Assembly, Twenty-third Session, Supplement No. 18.]

Lettre, en date du 23 décembre 1968, adressée au Président du Conseil de sécurité par le Secrétaire général

[Texte original en anglais]
[27 décembre 1968]

J'ai l'honneur de vous faire communiquer le texte de la résolution 2403 (XXIII) sur la question de Namibie que l'Assemblée générale a adoptée à sa 1742^e séance plénière, le 16 décembre 1968.

Ce faisant, je voudrais appeler particulièrement l'attention sur les paragraphes 3 et 4 du dispositif par lesquels l'Assemblée générale "décide d'appeler l'attention du Conseil de sécurité sur la grave situation qui s'est créée du fait de la présence et des actes illégaux du Gouvernement sud-africain en Namibie" et "recommande au Conseil de sécurité de prendre d'urgence toutes mesures effectives, conformément aux dispositions pertinentes de la Charte des Nations Unies, pour assurer le retrait immédiat des autorités sud-africaines de Namibie, afin de permettre à la Namibie d'accéder à l'indépendance conformément aux dispositions des résolutions 1514 (XV) et 2145 (XXI) de l'Assemblée générale".

Le Secrétaire général,
(Signé) U THANT

[Pour le texte de la résolution 2403 (XXIII), voir Documents officiels de l'Assemblée générale, vingt-troisième session, Supplément n° 18.]

DOCUMENT S/8944

Letter dated 27 December 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[27 December 1968]

On the instructions of my Government and further to my letter dated 26 December 1968 [S/8957],²² I have the honour to communicate to you, for the information of the members of the Security Council, the following facts.

On 19 December 1968, at approximately 10 p.m., members of the United States-South Viet-Namense armed forces fired mortars into Cambodian territory. Several shells fell on the commune of Bosmon, Romduol district, Svay Rieng province, injuring three villagers, one of whom is in critical condition.

On 21 December, at approximately 6 a.m., members of the United States-South Viet-Namense armed forces again fired mortars into Cambodian territory, and several shells fell about 1,000 metres from the frontier,

Lettre, en date du 27 décembre 1968, adressée au Président du Conseil de sécurité par le représentant du Cambodge

[Texte original en français]
[27 décembre 1968]

D'ordre de mon gouvernement et suite à ma lettre du 26 décembre 1968 [S/8957]²², j'ai l'honneur de vous faire tenir, pour l'information des membres du Conseil de sécurité, ce qui suit :

Le 19 décembre 1968, vers 22 heures, des éléments des forces armées américano-sud-vietnamiennes ont tiré au mortier sur le territoire khmer. Plusieurs obus sont tombés dans la commune de Bosmon, district de Romduol, province de Svay Rieng, blessant trois villageois dont un dans un état grave.

Le 21 décembre, vers 6 heures, les éléments des forces armées américano-sud-vietnamiennes ont de nouveau tiré au mortier sur le territoire cambodgien et plusieurs obus sont tombés à environ 1 000 mètres

²² See Official Records of the Security Council, Twenty-fourth Year, Supplement for January, February and March 1969.

²² Voir Documents officiels du Conseil de sécurité, vingt-quatrième année, Supplément de janvier, février et mars 1969.

It also imposes restrictions on the exportation of goods from Southern Rhodesia and the supply of goods to Southern Rhodesia as well as certain related activities and dealings, including the carriage of goods in British ships or aircraft. The Order imposes restrictions with respect to undertakings in Southern Rhodesia for the manufacture or assembly of aircraft or motor vehicles. It restricts the use of certain aircraft operating to or from Southern Rhodesia and certain related civil aviation transactions. It authorises restrictions upon the entry into the territory of certain persons connected with Southern Rhodesia and prohibits certain advertisements and similar activities aimed at encouraging emigration to Southern Rhodesia.

The Order also makes provision for the investigation of ships and aircraft that are suspected of contravening the Order and it confers powers to obtain evidence and information for the purposes of the Order.

United States of America

*[Original text: English]
[3 March 1969]*

The United States Government has fully implemented the mandatory provisions of Security Council resolution 253 (1968) by means of Executive Order No. 11419, dated 29 July 1968, and other steps described in the United States representative's note to the Secretary-General dated 1 August 1968 [*see S/8786, annex II*]. It has not been necessary, therefore, to take further legal measures.

The result of United States implementation of the resolution has been a virtual cessation of all trade between the United States and Southern Rhodesia, except for those items expressly exempted by the resolution and of items legally shipped prior to the effective date of the above-mentioned Executive Order.

The United States Government continues to believe that the effective implementation of the mandatory sanctions programme by all Member States would contribute to the achievement of a peaceful change in the Smith régime's policies and the achievement of full political rights for all the Rhodesian people.

The United States Government notes that many States Members of the United Nations and members of the specialized agencies have not yet supplied the Secretary-General with information on specific measures taken to implement resolution 253 (1968). It appears that thirty-nine Member States have not replied in any way to inquiries from the Secretary-General. Of the ninety-one Member States which have replied, twenty-nine merely stated that they have no relations with Southern Rhodesia or merely that they condemn the illegal régime and/or racism, colonialism etc. None of those replies gives any definite indication of the action taken by the Member. It is impossible for the Security Council Sanctions Committee^a to have an accurate understanding of the implementation of the resolution or to perform its functions properly if it is not kept adequately informed by Member States.

^a Committee established in pursuance of Security Council resolution 253 (1968) of 29 May 1968.

DOCUMENT S/8957

Letted dated 26 December 1968 from the representative of Cambodia to the President of the Security Council

*[Original text: French]
[3 January 1969]*

On the instructions of my Government and further to my letter of 16 December 1968 [*S/8940*], I have the honour to communicate to you, for the information of the members of the Security Council, the following facts.

On 1 November 1968, eight Viet-Nameese fishermen on board four boats penetrated Cambodian territorial waters at Beng Bania and Nam Yung, district of Angkor Borey, province of Takeo, to a depth of approximately 3,000 metres from the Cambodian-South Viet-Nameese frontier.

The eight Viet-Nameese, who were engaging in clandestine fishing, were caught in the act and arrested by the Royal Khmer Police of Takeo. They will be brought to trial for the two offences of illegally crossing the frontier and engaging in clandestine fishing. The individuals in question are the following:

Huynh Van Hy, Huynh Van Huong, Vo Van Au, Tran Van Thanh, Ho Van Gia, Tran Van Quat, Nguyen Van Duc and Nguyen Thi Pha.

On 19 November, at approximately 4.45 a.m., a group of soldiers of the United States-South Viet-Nameese forces coming from the region of Hau Nghia penetrated Cambodian territory to a depth of approximately 1,000 metres from the frontier in the commune of Bavet, district of Svay Teap, province of Svay Rieng and fired on a mixed Cambodian patrol which was on an observation mission along the frontier, seriously wounding a member of the patrol named Meas Un, an inhabitant of the village of Svay Ta Yean.

On 22 November, at approximately 9 a.m., soldiers of the United States-South Viet-Nameese forces coming from Dong Duc (Chaudoc) fired artillery into Cambodian territory. A number of shells landed near the Provincial Guard post at Bac Nam, commune of Prek

Tonlea, district of Koh Thom, province of Kandal. The post was also riddled with bullets by the United States-South Viet-Nameese soldiers.

On the same day, at about noon, soldiers of the United States-South Viet-Nameese forces, guided by a spotter aircraft which was flying over Cambodia, fired artillery into Cambodian territory. Twenty-nine shells landed at a point approximately 800 metres from the Cambodian-South Viet-Nameese frontier in the village of Chrak Kranh, commune of Rong district of Mimot, province of Kompong Cham, damaging fifteen houses in the village.

Also on 22 November, at approximately 4.30 p.m., United States-South Viet-Nameese naval forces entered Cambodian territory and arrested three Cambodians named Try Hong, Try Yi and Chhan Neang, known as Tith, inhabitants of the commune of Prek Kroeus, district of Kompong Trach, province of Kampot.

On 23 November, at approximately 6 a.m., two helicopters of the United States-South Viet-Nameese forces violated Cambodian air space and fired rockets at a point approximately 2,000 metres from the Cambodian-South Viet-Nameese frontier in the village of Mong, commune of Kravien, district of Mimot, province of Kompong Cham, seriously wounding two villagers named Nguon Lay Ou and Soum Kim.

On 24 November, at approximately 6 p.m., a helicopter of the United States-South Viet-Nameese forces violated Cambodian air space above the village of Chrak Kranh and fired rockets at the village, destroying ten houses. Chrak Kranh had been subjected to artillery fire on 22 November.

On 25 November, at approximately 11.30 a.m., three aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and bombed and machine-

gunned a National Police post situated near national highway No. 13 at a point approximately 500 metres inside Cambodian territory in the commune of Khsim, district of Snuol, province of Kratie.

On 26 November, at approximately 11.30 a.m., elements of the United States-South Viet-Namense forces from the post at Vinh Dien (Kien Phong) fired artillery into Cambodian territory in the region of Peam Montea, district of Kompong Trabek, province of Prey Veng. Fifteen shells landed near the Provincial Guard post at Peam Montea. Two other shells landed on the grounds of the post, seriously wounding a Cambodian soldier named Nuon Uon and a guard.

The elements in question fired at the same post a second and a third time, at approximately 12.45 p.m. and 2.45 p.m. respectively. Fifteen shells landed on the grounds of the post, seriously wounding another guard and a young person sixteen years of age.

On 27 November, at approximately 11 a.m., three helicopters of the United States-South Viet-Namense air force violated Cambodian air space above the commune of Chrak Motes, district of Svay Teap, province of Svay Rieng. However, after being fired upon by mixed Cambodian defence forces on patrol in the area, the aircraft returned to South Viet-Nam.

On the same day, at approximately 3 p.m., four helicopters of the United States-South Viet-Namense forces penetrated Cambodian air space and pursued an empty civilian truck which had come from Sen Monorom and was travelling on the Mondulkiri-Khsim road. At a point situated between kilometre stones 32 and 34 in the commune of Khsim, district of Snuol (Kratie), one of the helicopters landed and discharged eight armed soldiers, who immediately launched a savage attack on the truck with firearms and grenades,

seriously wounding the driver and inflicting heavy damage on the truck.

On 28 November, at approximately 9 a.m., a Cambodian patrol on a frontier observation mission near the village of Thlork, commune of Chrak Motes, district of Svay Teap, province of Svay Rieng, arrested a twenty-year-old United States soldier named Gurnsey Earl.

On 29 November, two spotter aircraft of the United States-South Viet-Namense forces violated Cambodian air space and pursued from kilometre stone 25 to a point near kilometre stone 45 a military convoy carrying Cambodian security forces who were on their way to Sen Monorom to make preparations for a projected visit by the Head of State. The two aircraft fired at the convoy several times with machine-guns.

The Royal Government of Cambodia has filed a vigorous and indignant protest against these new violations and attacks which the United States-South Viet-Namense forces have committed against civilians and against security forces and soldiers of the Royal Khmer Army. These acts constitute increasingly dangerous provocation for whose consequences the Governments of the United States of America and of the Republic of Viet-Nam must bear full responsibility. The Royal Government has called upon the Governments of the United States of America and of the Republic of Viet-Nam to put an end to these acts of provocation forthwith and to make reparation for the damage caused by the attacks.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) Huor Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/8958

Letter dated 31 December 1968 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[3 January 1969]

On the instructions of my Government and further to my letter of 16 December 1968 [S/8940], I have the honour to communicate to you, for the information of the members of the Security Council, the following facts.

On 29 November 1968, at approximately 8 a.m., an armed band of some sixty men coming from Thailand entered Cambodian territory and opened heavy fire on a Cambodian patrol quartered at Bavel which was on an observation mission in the region of O Cham Neap, district of Sisophon, province of Battambang, at a point approximately fifteen kilometres from the Cambodian-Thai frontier, killing two Cambodian soldiers named Buth Sun and Nuon Thang Chan and wounding two others named Bin Savath and Yang Nang.

On 30 November, at approximately 10.45 a.m., two motor junks coming from Thailand were surprised while engaging in clandestine fishing in Cambodian territorial waters off Koh Yor, province of Koh Kong. They withdrew when they sighted the vessel of the Royal Khmer Navy which was patrolling the area.

On 1 December, at approximately 7.30 a.m., a booby-trap set by armed elements from Thailand at a point south-west of Kauk Romiet, district of Thmar Puok, province of Battambang, approximately four kilometres

from the frontier, blew up, seriously wounding two Cambodian soldiers named Neak Chhuom and Sin Chhay.

On 3 December, at approximately 7 p.m., armed fishermen on board ten junks coming from Thailand entered Cambodian waters at a point approximately ten kilometres west of the island of Koh Kong and fired on members of a Cambodian patrol which was on an observation mission in the area, seriously wounding two soldiers, one of whom died in hospital. A motor junk which had been used in the patrol operation was badly damaged.

The Royal Government of Cambodia has filed a vigorous and indignant protest against the constant violations of its territory and territorial waters and the deliberate attacks by armed elements coming from Thailand. It has called upon the Thai Government to take immediate steps to put an end to these criminal acts being committed by Thai soldiers and inhabitants.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) Huor Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/8967

Note verbale dated 16 January 1969 from the Permanent Mission of the Union of Soviet Socialist Republics to the United Nations addressed to the President of the Security Council

[Original text: Russian]
[16 January 1969]

The Permanent Mission of the Union of Soviet Socialist Republics to the United Nations presents its compliments to the President of the Security Council and, referring to General Assembly resolution 2479 (XXIII) of 21 December 1968 and to the Secretary-General's letter of 9 January 1969 [S/8962] to the President of the Security Council transmitting the above-mentioned resolution of the General Assembly, has the honour to request that a meeting of the Security Council should be convened to consider the question of taking measures in accordance with the provision of the above-mentioned resolution of the General Assembly which relates to the Security Council.

DOCUMENT S/8968

Note verbale dated 16 January 1969 from the Permanent Mission of Spain to the United Nations addressed to the President of the Security Council

[Original text: Spanish]
[16 January 1969]

The Permanent Mission of Spain to the United Nations presents its compliments to the President of the Security Council and, with reference to resolution 2479 (XXIII) of 21 December 1968 adopted by the General Assembly, and to the letter dated 9 January 1969 [S/8962] from the Secretary-General addressed to the President of the Security Council transmitting the above-mentioned resolution of the General Assembly, has the honour to request him to convene a meeting of the Security Council for the purpose of considering the said General Assembly resolution and the measures that should be adopted in relation to it in so far as it directly affects the Security Council.

DOCUMENT S/8969

Letted dated 16 January 1969 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[16 January 1969]

On the instructions of my Government and further to my letter of 27 December 1968 [S/8944], I have the honour to communicate to you, for the information of the members of the Security Council, the following facts:

On 1 December 1968, at approximately 9 a.m., three aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and machine-gunned the village of Veal Chhmong in the commune of Dar, district of Mimot, wounding two villagers named Meng Seang and Chieph Phin.

On 8 December, at approximately 3.30 p.m., an automobile was subjected to fire from rocket-launchers and machine-guns by a group of United States-South Viet-Nameese soldiers who had been landed by helicopters at a point near kilometre stone 47 in the commune of Khsim, district of Snuol, province of Kratie. The vehicle was severely damaged.

On 12 December, at approximately 1 a.m., three patrol boats of the United States-South Viet-Nameese forces, coming from Hatien and patrolling the Giang Thanh river, directed several bursts of automatic weapon fire at the Cambodian villages of Bat Banliek

and Prek Trahing, commune of Prek Kroeus, district of Kompong Trach, province of Kampot.

On the same day, at approximately 2 p.m., two helicopters of the United States-South Viet-Nameese forces violated Cambodian air space and machine-gunned buffalo herdsman at a place situated approximately 1,500 metres from the Khmer-South Viet-Nameese frontier in the commune of Kokisom, district of Rumduol, province of Svay Rieng, killing a herdsman named Ouk Chern on the spot.

On 14 December, at approximately 4 p.m., five helicopters and a spotter aircraft of the United States-South Viet-Nameese air forces flew over and machine-gunned the frontier area in the vicinity of the commune of Khsim, district of Snuol, province of Kratie.

On the following day, at approximately 2 p.m., another five helicopters of the same forces flew over the Khsim-Mondulkiri road between kilometre stones 20 and 26, and on the following day, at approximately 11 a.m., a United States-South Viet-Nameese helicopter and a United States-South Viet-Nameese spotter aircraft flew over the same road between kilometre stones 15 and 25.

On 15 December, at approximately 5.30 p.m., members of the United States-South Viet-Nameese forces from the post of Kinh Thay Bang (Chaudoc) fired artillery into Cambodian territory. Six shells landed approximately 2,000 metres inside Cambodia in the village of Prek Khsach, commune of Kompong Krasaing, district of Koh Andeth, province of Takeo, seriously wounding a woman, who was a Cambodian national, and severely damaging her house.

On 17 December, at approximately 7 p.m., members of the United States-South Viet-Nameese armed forces from the post of Queo-Ba (Hau Ghia) fired artillery into Cambodia. Seven shells landed approximately 500 metres inside Cambodian territory in the commune of Mesar Thngak, district of Chantrea, province of Svay Rieng, severely damaging two houses and wounding two buffaloes and a pig.

On the same day, at approximately 3.30 p.m., two helicopters of the United States-South Viet-Nameese air forces flew over and machine-gunned for the fifth time the abandoned police post situated near road No. 13, approximately 500 metres from the Khmer-South Viet-Nameese frontier in the commune of Khsim, district of Snuol, province of Kratie. The same post had previously been bombed and machine-gunned on 25, 27 and 28 November and on 8 December.

On 19 December, at approximately 10 a.m., three helicopters, guided by two spotter aircraft of the United States-South Viet-Nameese forces, again machine-gunned and bombed this abandoned post.

On 20 December, at approximately 2 p.m., members of the United States-South Viet-Nameese armed forces from the posts of Cai Vang and Vinh Dien (Kien Phong) fired artillery into Cambodia; some twenty shells landed on the grounds of the provincial guard post of Peam Montea, district of Kompong Trabek, province of Prey Veng, damaging a barracks.

The Royal Government of Cambodia has protested vigorously against the hostile fire directed by the United States-South Viet-Nameese armed forces against Cambodian territory, which endangers the lives of the innocent Khmer inhabitants of the frontier area and destroys their property. The Royal Government has called upon the Governments of the United States of America and of the Republic of Viet-Nam to take adequate steps to prevent the recurrence of such reprehensible acts and to pay compensation to the victims.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) Huot Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/8970

Letter dated 16 January 1969 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[16 January 1969]

On the instructions of my Government and further to my letter of 31 December 1968 [S/8958], I have the honour to inform you that, during the night of 15-16 December 1968, approximately ten Thai fishing junks entered Cambodian waters off the island of Koh Kong.

Surprised by elements of the Cambodian sea patrol, the Thais opened fire on these forces, who returned the fire. After an exchange of fire lasting approximately thirty minutes, one of these junks, equipped with a 300 CV Atlas motor, was captured with sixteen crew members, one of whom was fatally wounded, and two automatic pistols were seized on board.

The Royal Government of Cambodia has protested vigorously against the intrusion of Thai fishing junks into Cambodian waters and the opening of fire by the Thais against the Cambodian security forces. It has called upon the Thai Government to take adequate steps to prevent its nationals from again committing such acts.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) Huot Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/8971*

Letter dated 16 January 1969 from the representative of Syria to the Secretary-General

[Original text: English]
[16 January 1969]

Acting upon instructions from my Government and further to my two letters of 10 August 1968 [S/8742] and 16 August 1968 [S/8749] regarding the systematic policy of annexation and colonization

* Also circulated as a General Assembly document under the symbol A/7502.

relentlessly pursued by the Israel authorities in the Syrian Arab occupied territories, I have the honour to draw your attention to the fact that the Israel occupying authorities have recently decided to intensify and widen further the scope of their predatory designs in Syrian occupied territories.

the Jewish Agency for developing the area is a road along the length of the Golan heights which will be farther from the present border. The aim of this is to ensure that people can travel in the area in greater safety. Another big project is the development of the 11 kilometre stretch of the Kinneret coast formerly directly under the Syrian guns. It is planned

to turn this part of the coast into a sports area and to set up four settlements there. Interestingly enough, yesterday there was also a visit to the Golan area by Mr. Avraman Yoffe, head of the Nature Reserves Authority, the Civil Service Commissioner and other personnel who discussed the company planned for the development of the Golan heights.

DOCUMENT S/8975

Letter dated 21 January 1969 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[21 January 1969]

On the instructions of my Government and further to my letter of 16 January 1969 [S/8969], I have the honour to communicate to you, for the information of the members of the Security Council, the following facts.

On 18 December 1968, at approximately 7.50 a.m., seven shells fired from the South Viet-Nameuse post at Cai Vang (Kien Phong), landed beside the Provincial Guard post at Peam Montea, damaging a barrack at the post.

On 23 December between 7 a.m. and 11 a.m., six shells fired from the South Viet-Nameuse post at Tan Thanh (Kien Phong) landed in the vicinity and within the perimeter of the same post, wounding a guard named Kem Phean.

On 24 December, at approximately 10.30 a.m., five shells fired from the same post at Tan Thanh landed in the commune of Peam Montea, killing three pigs belonging to the inhabitants.

On 28 December, between 9.30 and 10.15 a.m., some twenty shells, again fired from the South Viet-Nameuse post at Cai Vang (Kien Phong), landed on the Royal Police post at Peam Montea, damaging two dwellings and wounding a member of the post.

On 30 December, at approximately 11 a.m., the two South Viet-Nameuse posts at Cai Vang and Tan Thanh again shelled the Cambodian Royal Police post, damaging a building and a barrack.

The following day, at approximately 11 a.m., these same South Viet-Nameuse posts resumed firing on the Cambodian military post at Peam Montea, which was hit by six shells, several other shells landing in the vicinity of the post and in the compound of the Royal Police post.

At the same time, several aircraft and helicopters of the United States-South Viet-Nameuse air forces violated Cambodian air space, bombing and machine-gunning the area along the Cambodian frontier in the commune of Peam Montea.

The bombing and machine gunning seriously damaged seven houses belonging to the inhabitants of the area and caused the destruction of two barracks used as living quarters for the Royal Police. Two fortified

positions of the Royal Police were also seriously damaged.

During the night of 31 December 1968-1 January 1969, firing into Cambodian territory continued, causing serious damage to crops.

During the morning of 31 December 1968, two helicopters guided by a spotter aircraft of the United States-South Viet-Nameuse air forces intruded into Cambodian air space over the commune of Bavet, district of Svay Teap (Svay Rieng). These aircraft opened fire with machine-guns and launched rockets against a group of peasants who were working in the rice fields in the frontier area, seriously wounding one of them named Un Doeut, who died while being transported to hospital.

On 2 January 1969, at approximately 6.30 p.m., elements of the United States-South Viet-Nameuse armed forces from the post at Vinh Dien shelled Cambodian territory. Some dozen shells landed north of the Royal Cambodian Police post at Banteay Chakrey, situated approximately 100 metres inside the frontier, in the commune of Banteay Chakrey, district of Kompong Trabek, province of Prey Veng, causing the death of a local inhabitant named Kim Sao.

The International Commission for Supervision and Control has already been invited to visit the area where the incident took place to conduct an investigation.

The Royal Government of Cambodia has protested vigorously against the shelling and deliberate attacks against Cambodian territory carried out by the armed forces of the United States and South Viet-Nam. It calls upon the Governments of the United States of America and of the Republic of Viet-Nam to take appropriate steps to prevent the recurrence of similar hostile actions by their armed forces and to pay compensation to the families of the victims.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) Hnor Sambath
Permanent Representative of Cambodia
to the United Nations

Governments, having officially accepted the cease-fire, have been continuing an armed struggle against Israel through irregular forces and terrorist organizations operating from their territory, and with their political and material support. Such policies and activities are in flagrant violation of the cease-fire and, in espousing them, the United Arab Republic and the other States concerned are repudiating the responsibilities they took upon themselves in accepting the cease-fire.

The hypothesis that it is permissible under the cease-fire for such armed organizations to be recruited, trained, armed, financed, harboured and even tolerated by Arab States for the purpose of conducting acts of violence and terror against Israel must be emphatically rejected by my Government. We shall continue to hold the Arab Government concerned fully and directly responsible for all such activities. It must be apparent to members of the Security Council that the policy proclaimed by President Nasser in stating that "in pursuance of this policy, the United Arab Republic places all its resources at the disposal of these organizations, without condition or reservation", is a threat to the Council's cease-fire resolution.

It must also be stressed that such conduct violates the general principles of the United Nations Charter and constitutes aggression by one State against another.

No less grave is President Nasser's remarkably candid disclosures as to what he really means by accepting the Security Council resolution of 22 November 1967. He defends this "acceptance" as a means of achieving the strictly limited objective of "eliminating the consequences" of the June 1967 war, without terminating the Israel-Arab conflict by establishing peace between Israel and the Arab States. On the contrary, he advocates that the armed struggle for the ultimate

liquidation of Israel should continue and he therefore regards it as logical and warranted for the terrorist organizations to reject the Security Council resolution. This dual policy, which he asserts has been consistently maintained by the United Arab Republic, is a total negation of the principles and purposes of the resolution, which calls for the promotion of agreement on a just and lasting peace based *inter alia* on "termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force". A solemn public endorsement of an armed conflict to be continued, even after the establishment of peace as envisaged in the Security Council resolution is not "acceptance" of the resolution but a fundamental repudiation of its letter and spirit.

My Government's basic position remains that the twenty-year Israel-Arab conflict can be effectively resolved only by a genuine peace negotiated and agreed by the parties directly concerned and contractually binding upon them. No combination of unilateral declarations, time-tables, arrangements, foreign Power or United Nations guarantees can form a realistic and durable substitute for a peace treaty.

My Government's conviction in this regard derives from sombre past experience, and is reinforced by the ominous concept of continued warfare contained in President Nasser's speech.

I have the honour to request that this letter be circulated as a Security Council document.

(Signed) Abba EBAN
Minister for Foreign Affairs
of Israel

DOCUMENT S/8980

Letter dated 24 January 1969 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[27 January 1969]

On the instructions of my Government and further to my letters of 18 November 1968 [S/8903], 27 November 1968 [S/8907] and 16 December 1968 [S/8939], I have the honour to transmit to you herewith, for the information of the members of the Security Council, photographs relating to the criminal attacks carried out on 6 November 1968 at about 3.30 a.m. by three helicopters of the United States-South Viet-Nameese armed forces against the peaceful Cambodian inhabitants of the village of Prey Tuol, commune of Daung, district of Romeas Hek, province of Svay Rieng.

I should like to remind you that this act of aggression by the United States-South Viet-Nameese armed forces against the Cambodian village of Prey Tuol, situated about 2,000 metres inside Cambodian territory, caused the following casualties among Cambodian civilians and their property: twenty-three persons wounded (ten men, four boys, five women and four girls), one of whom died of his wounds; two pigs killed; four oxen and six buffaloes wounded.

Also herewith are photographs relating to the criminal attacks carried out on 16 November 1968, in

the morning, by three armed motor-boats of the United States-South Viet-Nameese forces against the peaceful Cambodian inhabitants of the village of Bat Banleak, commune of Prek Kroeus, district of Kompong Trach, province of Kampot.

It should be remembered that the casualties among the Cambodian civilian population resulting from this act of aggression by the United States-South Viet-Nameese forces amounted to twelve persons killed on the spot and seven wounded:

Killed

1. Neang Cap Buoy, aged 34, married with one child
2. A six-month-old baby
3. Vong Lorn, aged 41, married with seven children
4. Op Sam, aged 44, married with six children
5. Hau Nhang, aged 45, married with seven children
6. Chhorn Youm, aged 45, married with six children
7. An eight-year-old boy
8. Kong Kim, aged 54, married with ten children

9. Chhor Veth, aged 50, married with six children
10. Iuy Nhar, aged 34, married with six children
11. An eight-year-old girl
12. Kry Pol, aged 35, married with two children

Wounded

1. Hang Phoeung, aged 25, married with three children
2. Eap Khim, aged 17, unmarried
3. So Nuon, aged 57, widow with six children
4. Khuon Yean, aged 45, married with nine children
5. Huon Kim, aged 30, married with three children
6. Suon Troy, aged 33, married with six children
7. Uon Yim, aged 35, married with six children

Also herewith is a photograph showing the bodies of the provincial guards, Tork Sam Ath and Meas Ven,

and of the private, 2nd class, Ouk Van, who were killed as a result of the criminal attack carried out on 15 November 1968 at about 6.30 a.m. by elements of the United States-South Viet-Namense forces some 100 metres inside Cambodian territory, in the commune of Bosmon, district of Rumduol, province of Svay Rieng.

I should be grateful if you would arrange to have the text of this letter circulated as a Security Council document.

(Signed) Huor Sambath
Permanent Representative of Cambodia
to the United Nations

[The photographs attached to the mimeographed version of the present document are not reproduced here.]

DOCUMENT S/8982*

Letter dated 27 January 1969 from the Minister for Foreign Affairs of Israel to the Secretary-General

[Original text: English]
[27 January 1969]

I regret to convey to you the shocking news that the Government of Iraq executed nine Iraqi Jews this morning by public hanging in a central square in Baghdad.

The charge that they were spying for Israel is without a shred of truth. The Iraq Government has perpetrated an act of barbarity which exceeds even what the world has come to expect from a country in which violence and murder have become almost commonplace. The appeals made through a number of channels were disregarded, including that of yourself as Secretary-General.

The statement made by Prime Minister Eshkol in the Knesset this afternoon expressed the grief and anger felt throughout Israel at this deed. I have asked the Acting Permanent Representative of Israel to the United Nations to give you a copy of that statement.

As you will be aware, the Israel Government and people have felt increasing anxiety at the persecution of Jews in certain Arab countries in the Middle East. The facts of the matter have on a number of occasions been placed before the appropriate organs of the United Nations. To our profound distress, it must be recorded that these bodies have failed to take the required action.

I can only express the earnest hope that everything possible will yet be done by the international community, and the United Nations in particular, to relieve the plight of these helpless Jewish minorities. They are being subjected to gross discrimination and oppression, to imprisonment and torture, and even, as in the case of Iraq, to brutal public murders that must arouse the greatest revulsion in the minds of all civilized men.

I would request that this letter be circulated as a Security Council and General Assembly document.

(Signed) Abba Eban
Minister for Foreign Affairs
of Israel

* Also circulated as a General Assembly document under the symbol A/7303.

TEXT OF THE STATEMENT MADE BY THE PRIME MINISTER OF ISRAEL, MR. LEVI ESHKOL, IN THE KNESSET ON 27 JANUARY 1969

What we have feared has come true. At dawn, the Iraqi authorities have hanged nine Jews. Let us pay homage to the memory of:

Ezra Naji Zilkha,
Fuad Gabbai,
Yaacov Gurji Namurdi,
Daoud Yehezkeel Baruch Dalal,
Daoud Ghali,
Yehezkeel Salah Yehezkeel,
Sabah Hayim,
Naim Kadoori Halal,
Charles Raphael Horesh.

The blood of the innocent martyrs of Babylon cries out to us and to the world from Iraqi soil. "Oh Daughter of Babylon, that art to be destroyed, happy shall be He, that repayeth thee as thou served us." The Lord shall avenge their blood.

The first spontaneous reaction in the heart of every one of us to the murder trial of nine Jews in Iraq is profound mourning and the redoubled determination to fulfil in Jewish history that thoroughgoing charge of Israel's redemption and ingathering of the exiles, to which our lives are consecrated.

Beyond any doubt, there is more than the merely humane aspect to this murder. Here is further evidence, if such evidence was needed, of the essence of the régimes in Arab countries and of the fate they have ordained for the Jewish people and for each of its individuals, if they could but do as they pleased. These régimes are incapable of solving the problems besetting their own nations and they try hard to disclaim responsibility, unburdening it on others. Thus they strive to blunt the sting of their nation's despair, redirecting it at helpless hostages whom they have imprisoned within their boundaries.

The similarity between these régimes and movements and those régimes and movements which threatened the entire world until they were defeated in the Second World War is manifest to one and all.

The criminal plan of the Baghdad hangings and that of the demands of what goes by the name of "Liberation of Palestine" are part and parcel of the self-same design. Unless a halt is put to it from outside it will not cease on its own. Between the design of genocide and its perpetration there stands the State of Israel alone—Israel and its strength.

The world's élite must understand this reality. As in the days of May 1967, this is not a matter of demands and counter-demands, between which a compromise must be sought. The conflict is one between a furor of destruction and a nation defending itself from its would-be assassins.

The Baghdad hangings have illuminated the fate of the remnants of Babylonian Jewry with a nightmarish light. The land of Iraq has become one great prison for its Jewish remnant. Our brethren are prey to terror at the hands of villains.

Iraq has become a gallows to its Jewish citizens. For 2,500 years the Jews have helped to build up Babylon—Iraq—with all their hearts and souls. When Israel attained statehood we welcomed those driven out from there.

Now, the persecutions have culminated in the hanging of nine Jews, whilst Iraq's leaders promise that this is not the end. The sole crime of these nine martyrs consists in their Jewishness. We know full well, and I do declare that the Iraqi Government also knew, that all accusations levelled at these Jews were entirely baseless. It is not for nothing that their trial took place behind locked doors.

The oppression of Jews in the Arab countries has been going on incessantly for years—yet the world's

conscience has not been stirred. Thus, we have come to this pass—the hangings in Baghdad.

As soon as we learned of the death sentences, we appealed to everybody likely perhaps to take action in order to rescue these people in Iraq. Many, including States, personalities, religious leaders, as well as the United Nations Secretary-General, have appealed to the Baghdad rulers—to be fobbed off with mendacious denials and deliberately misleading statements. These lies were meant to cover up for the murderous death sentences already passed, in spite of statements to the contrary. Once the ground had thus been prepared, the murder was carried out. I cannot help but reach the sorry conclusion that the world and all its institutions have failed to muster the necessary determination in this matter—and in the matter of Jews in Arab lands in general. Last-minute appeals and making do with hypocritical replies will not offer relief from the awesome responsibility nor excuse the turning of a blind eye to the fate of the Jews in Arab countries.

From this rostrum I demand that the entire world should act, each one to the best of his capacity, in order to avert further acts of murder, to save the families and to protect the Jewish remnant.

If there is a conscience in this world, let its voice be heard, now. Let us awaken to the immediate need to rescue the remnant of the Jewish communities in the Arab countries.

Our hearts mourn for the victims and our fraternal feelings go out to the bereaved families and communities.

We are firmly resolved to accomplish Israel's revival until its full redemption.

Our actions will aim at strengthening the State of Israel and at the salvation of Jewish communities in distress.

DOCUMENT S/8985

Letter dated 28 January 1969 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[28 January 1969]

On the instructions of my Government, I have the honour to communicate to you, for the information of the members of the Security Council, the text of the following message dated 25 December 1968 from Samdech Norodom Sihanouk, Chief of State of Cambodia, addressed to the Secretary-General.

"I have the honour, and regret, to inform you that Cambodia has just been the victim of a new and bloody act of aggression by the United States—South Viet-Nameese armed forces.

"On 17 December 1968, at about 9.30 a.m., a lorry transporting wood, which was proceeding along the Khsim-Sen Monorom (Mondulkiri) road, was attacked by a helicopter-borne unit lying in ambush eighteen kilometres inside Khmer territory. The vehicle was halted by an explosion and captured under heavy fire by grenade launchers and automatic weapons. Of the twelve people on the lorry, all of Cambodian nationality, seven were killed, two were seriously wounded, and one is missing. The aggress-

sors killed the wounded who were unable to escape and plundered the lorry and then left the scene on board five United States helicopters which had been summoned by radio. The International Control Commission carried out an investigation on the spot, collected material evidence (grenade launchers, grenades, cartridge cases) concerning the origin of the assailants, and interrogated the two survivors on the circumstances of the massacre.

"I should like to draw your attention to the seriousness of this new act of terrorist aggression which indicates a deliberate decision by the United States command to prohibit the use of the only road providing access to Mondulkiri and to isolate that province of Cambodia. A comparison might be made between Cambodia's humanitarian gesture in releasing its twelve United States prisoners at Christmas and the increase in crimes committed by the United States forces against the civilian population of my country. We are convinced that the United Nations

cannot remain for ever indifferent to acts which defy its Charter and all international law. I should therefore be extremely grateful if you would inform all the Members of the United Nations of this latest act of aggression and help us to compel the United States to respect our national rights and the lives of our peaceful population."

I should also like to inform you that on 19 December 1968 the International Control Commission, composed of Mr. H. C. Chandry (India), Chairman, and Mr. R. V. Gorham (Canada) and Mr. Edward Zdzislaw (Poland), members, accompanied by Cambodian civilian and military officials, visited the place at which the act of aggression occurred in order to investigate the aforementioned attack by the United States-South Viet-Nameese armed forces.

Major Balakirev, Military Attaché of the Embassy of the USSR, Lieutenant-Colonel Sonolet, Military Attaché of the Embassy of France, and Colonel Given, Military Attaché of the Embassy of Australia, also accompanied them as observers.

The members of the International Control Commission were able to see the seven decomposing corpses of the peaceful Cambodian inhabitants, which had been left in their original position. The names of the victims were as follows:

1. Nhek Chhen, aged 33
2. Eal Khon, aged 35
3. Lim Voeng, aged 33
4. Prak Long, aged 39
5. Yong Yi
6. Meas Lonn, aged 48
7. Neang Neou, wife of Meas Lonn

It should be noted that, apart from these seven persons who were killed, one wounded man is missing, Yong Ngout, aged 48, and two wounded men are in hospital at Kompong Cham, Kong Dum, aged 45, who is in a serious condition, and Pol Hell.

The Commission was also able to see the lorry riddled with bullets and a damaged bicycle, as well as three 60 mm. grenade launchers, two of which were loaded, two tear-gas grenades, two hand grenades, one plastic bomb, and cartridge cases, left behind by the assailants and all bearing an indication of their United States origin. It also noted a paper with an inscription in Viet-Nameese which was stuck on one of the corpses.

In addition, the Commission interrogated the two survivors, Kong Dy, aged 21, and Uk San, aged 33, as well as the owner of the lorry, Pol Soun Hieng known as Var, a lumber dealer, aged 36. According to their testimony, the lorry was ambushed at about 9.30 a.m. A violent explosion forced it to halt and firing from grenade launchers and automatic weapons ensued. After the shooting, the assailants took the bananas and cigarettes which were on the lorry and gave the *coup de grâce* to all the wounded. They then communicated by radio and a few moments later five helicopters appeared, flying at low altitude, to carry off the assailants, who, the survivors were able to note, included Whites speaking in loud voices.

It should be pointed out that this act of aggression committed by the United States-South Viet-Nameese armed forces took place inside Cambodian territory, about eighteen kilometres from the frontier.

You will find attached photographs taken at the place of the aggression during the investigation carried out by the International Control Commission.

I should be grateful if you would have the text of this letter and the attached photographs circulated as Security Council documents.

(Signed) Huor Sambath
Permanent Representative of Cambodia
to the United Nations

[The photographs attached to the mimeographed version of the present document are not reproduced here.]

DOCUMENT S/8986

Letter dated 28 January 1969 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[29 January 1969]

On instructions from my Government and further to my letter of 21 January 1969 [S/8975], I have the honour to communicate to you, for the information of the members of the Security Council, the following.

On 1 December 1968, units of the United States-South Viet-Nameese forces, having violated Cambodian territory in the commune of Prey Yuthka, district of Preah Bat Chean Chum, province of Takeo, arrested and forcibly removed to South Viet-Nam seven Cambodians named Chan Toeng, Ey Nim, Sar-Sak, Im-Puth, residents of the commune of Phnom-Den, Nith-Chin and Moeng-Seang, residents of the commune of Krapum Chhouk, and Danh-Ve, a resident of the commune of Prey Yuthka.

On 1 January 1969, units of the United States-South Viet-Nameese forces from the post at Long-Khot (Kien-Tuong), having violated Cambodian territory in the commune of Banteay Kraing, district of Kom-

pong Rau, province of Svay Rieng, arrested and took with them to South Viet-Nam a female resident named Neang Sam Chroek.

On 13 January, at approximately 8.30 a.m., units of the United States-South Viet-Nameese forces from the post at Trapeang Robang deliberately fired several mortar shells into Cambodian territory in the village of Prek Pork, commune of Thna Thnong, district of Romduol, province of Svay Rieng, causing the instant death of Neang Hem Cheang (aged 70) and Chan Saron (aged 36) and wounding eight other residents of the village, two of them seriously.

The International Control Commission has already been invited to visit the area where the incident took place, in order to conduct an investigation.

The Royal Government of Cambodia has protested vigorously against these deliberate violations of Cambodian territory, with the subsequent arrest and re-

removal of its innocent residents, and against the deliberate firing of shots into Cambodian territory by units of the United States-South Viet-Namese forces. It has called upon the Governments of the United States of America and of the Republic of Viet-Nam for the immediate release of the Cambodians who were arbitrarily arrested and for appropriate steps to prevent the recurrence of similar hostile actions by their armed

forces and to pay compensation to the families of the victims.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) Huot Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/8987

Letter dated 29 January 1969 from the representative of the United States of America to the President of the Security Council

[Original text: English]
[29 January 1969]

I have been instructed by my Government to draw to your attention the following statement issued by Secretary of State William P. Rogers on 27 January 1969, when he learned of the public execution of fourteen persons convicted for espionage in Iraq:

"We have had no United States representation in Baghdad since the Government of Iraq broke relations in 1967. We are not, therefore, in a position to comment on the facts surrounding the trial. On humanitarian grounds these executions are a matter of deep concern to us. The spectacle of mass public executions is repugnant to the conscience of the world. At my request, Ambassador Yost has called Secretary-General U Thant today to express our deep concern and to tell him that we share the expressions noted in his statement issued earlier today."

The Government of the United States recognizes the legal right of any Government to bring to trial and administer justice to any of its citizens. However, the manner in which these executions and the trials that preceded them were conducted scarcely conforms to normally accepted standards of respect for human rights and human dignity or to the obligations in this regard

that the United Nations Charter imposes upon all Members. Moreover, the spectacular way in which they were carried out seems to have been designed to arouse emotions and to intensify the very explosive atmosphere of suspicion and hostility in the Middle East.

The United States hopes that the world-wide revulsion aroused by the reports of these trials and executions will induce those responsible to carry out their solemn Charter obligations to promote universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. Repetition of the recent tragic events would be bound to make more difficult efforts within and outside the United Nations toward the goals of peace, tolerance, and human understanding among nations and peoples, in the Middle East and throughout the world.

I respectfully request that this letter be circulated as a Security Council document.

(Signed) Charles W. Yost
Permanent Representative of
the United States of America
to the United Nations

DOCUMENT S/8988*

Letter dated 30 January 1969 from the representative of Jordan to the Secretary-General

[Original text: English]
[30 January 1969]

My Government has instructed me to inform you that, as a result of wind, rain, floods and snowstorms which swept over the eastern part of Jordan, namely the area where the refugees have their temporary camps, the plight of those innocent Jordanian citizens has acquired a new and greater dimension.

Hundreds of tents housing scores of thousands of refugees went down under the impact of the storms. Most of the tent camps are now in flooded areas and subject to unprecedented heavy rains and hurricanes.

With nothing to protect them against the ravages of nature, most of the 450,000 newly displaced persons are within walking distance of their homes and camps which remain empty in the Israel-occupied territories.

* Also circulated as a General Assembly document under the symbol A/7504.

This appalling situation cries out to the conscience of mankind. It is a challenge to human values. To keep silent about it would add to the refugees' miseries and lead to more tragedies.

On 14 June 1967, in resolution 237 (1967), the Security Council called upon Israel "to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place and to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities", and entrusted you with the task of following the effective implementation of that resolution.

This was reaffirmed on 4 July 1967 in General Assembly resolution 2252 (ES-V).

It was also the subject of deliberations in the Special Political Committee during the twenty-third session of

its last session set up a Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, composed of three Member States [resolution 2443 (XXIII) of 19 December 1968].

In view of your well-known concern over the protection of human rights, I urge you to take as soon as possible whatever action is deemed necessary to put an end to these barbaric acts and to intervene with the occupying authorities in order to stop all acts of oppression, terrorism and mass killing which

are in direct contradiction of the principles and purposes of the United Nations Charter, the Universal Declaration of Human Rights and the relevant resolutions of the Security Council and the General Assembly.

I request that this telegram be circulated as an official document of the Security Council and the General Assembly.

(Signed) Mahmoud RIAD
Minister for Foreign Affairs
of the United Arab Republic

DOCUMENT S/8992

Letter dated 4 February 1969 from the representative of Cambodia to the President of the Security Council

[Original text: English]
[4 February 1969]

On instructions from my Government and further to my letter of 28 January 1969 [S/8986], I have the honour to communicate to you, for the information of the members of the Security Council, the following.

On 29 December 1968, at about 11 p.m., members of the United States-South Viet-Nameese forces at the post of Ong Tan (Kien Tuong) fired several shells into the Cambodian commune of Thmei, Kompong Rau district (Svay Rieng), seriously injuring a resident named Beng Khlaing.

On 4 January 1969, at about 7.30 a.m., a mine laid by members of the United States-South Viet-Nameese forces exploded, killing a villager named Neang Song Kris and seriously injuring a young peasant woman named Neang Nay Khem. The incident occurred at Tuol Tatom, near the frontier, in the commune of Taor, Kirivong district (Takeo).

On the same day, at about 10.30 a.m., three helicopters of the United States-South Viet-Nameese armed forces flew over Cambodian territory along the frontier, over the commune of Bavet (Svay Rieng), and scattered a poisonous powder which fell, as a result of the prevailing wind, near the Cambodian villages of Taboth and Prey Chidaun, causing very serious health damage to the inhabitants, two of whom, Sam Sopha and Sam Spohat, were seriously affected and had to be taken to hospital.

On 6 January, at about 9 a.m., two launches of the United States-South Viet-Nameese navy, coming from Hatien on a patrol along the Giang Thanh river, scattered powdered chemicals over crops belonging to the Cambodian inhabitants of the commune of Prek Kroeus, Kompong Trach district (Kampot). The crops in several fields affected by the chemicals were destroyed.

On the morning of 6 January a mixed Cambodian patrol fired on a helicopter of the United States-South Viet-Nameese air forces which violated Cambodian air space over the region north-east of Bu Sra in the province of Mondulkiri. The aircraft was seen to fall in flames in the same region and the wreckage was brought to Phnom-Penh.

On the same day, from 9.30 a.m. to about 8 p.m., United States-South Viet-Nameese armed forces at the

Cai Vang and Vinh Dien posts kept up cannon fire into Cambodian territory. Several shells fell in the region of Prey Montea, Kompong Trabek district, Prey Veng province, causing considerable damage to the extensive rice-growing areas.

On subsequent days, during the nights of 7 and 8 January, these same forces again fired hundreds of shells into the same region, several of which fell inside the military post and the local station of the Royal Police. Three soldiers were wounded and one of them is in serious condition.

The above-mentioned region of Peam Montea has been subjected to intensive bombing by the United States-South Viet-Nameese forces ever since 20 December 1968.

On 10 January 1969, at about 8 p.m., United States-South Viet-Nameese forces disembarked commando troops dressed in black on the Cambodian bank of the Prek Beng-Gi, at the village of Chrey Thom, Koh Thom district (Kandal). These commandos opened rapid fire on a Cambodian patrol which discovered them, killing a Cambodian soldier named Kim Vong. They then retreated into South Viet-Nam under cover of heavy fire from the South Viet-Nameese post of Long Binh on the other side of the frontier.

On 13 January, at about 6.30 a.m., a mine laid by members of the United States-South Viet-Nameese forces in the commune of Peam Montea (Prey Veng), approximately 200 metres from the Cambodian-South Viet-Nameese frontier exploded, seriously injuring an inhabitant named Reath Chin.

The Royal Government of Cambodia has protested vigorously against the hostile acts committed by the United States-South Viet-Nameese armed forces against the peaceful inhabitants and security forces of Cambodia. It has called upon the Governments of the United States of America and the Republic of Viet-Nam to take appropriate measures to put an end to such acts and to compensate the victims.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) Huot Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9007

Letter dated 12 February 1969 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[13 February 1969]

On instructions from my Government and further to my letter of 4 February 1969 [S/8992], I have the honour to communicate to you, for the information of the members of the Security Council, the following.

On 19 January 1969, at about 3 p.m., members of the United States-South Viet-Name forces at Loc Ninh entered Cambodian territory and arrested and took by force into South Viet-Nam eight Cambodian inhabitants who were collecting resin in a wood situated in Khmer territory, in the area bordering on South Viet-Nam. The eight Cambodians, all inhabitants of the village of Trapeang-Sre, commune of Snuol (Kratie), are the following: Khuon-Hoeun, Hoeuk-Prock, Ngak-Him, Mauv-Loeub, Moeur-Rin, Sin-Chus, Hok-Moeuk, Sin-Srock.

The Royal Government of Cambodia has protested vigorously against the violation of Khmer territory and the arrest of eight innocent Cambodians by members of the United States-South Viet-Name forces, and has called upon the Governments of the United States of America and of the Republic of Viet-Nam to take appropriate measures to effect the immediate release of the victims and to prevent a recurrence of such hostile acts.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) Huor Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9008

Letter dated 13 February 1969 from the representative of the the United Arab republic to the President of the Security Council

[Original text: English]
[13 February 1969]

I have the honour to enclose herewith a letter of the Minister for Foreign Affairs of the United Arab Republic addressed to you.

I will be grateful if this letter could be circulated as an official document of the Security Council.

(Signed) Mohamed Awad EL KONY
Permanent Representative of the
United Arab Republic
to the United Nations

LETTER DATED 13 FEBRUARY 1969 FROM THE MINISTER
FOR FOREIGN AFFAIRS OF THE UNITED ARAB REPUBLIC
TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to put before you and the distinguished members of the Security Council the following.

The first purpose of the United Nations, as stipulated in the Charter, is to maintain international peace and security, and to that end, to take effective collective measures for the prevention of threats to peace, and for the suppression of acts of aggression.

The Security Council bears the primary responsibility for the maintenance of international peace and security and carries out its functions according to the purposes and principles of the United Nations that prohibit aggression. Member States of the United Nations have agreed in the Charter to confer these responsibilities upon the Security Council, in order to ensure that action by the United Nations shall be carried out promptly and effectively. It cannot be

claimed that the Security Council has achieved that purpose if it confines itself solely to making recommendations for the settlement of a situation, the continuance of which is likely to endanger the maintenance of international peace and security. In addition to the Council's functions in recommending procedures or methods of adjustment and terms of settlement as it may consider appropriate, the Council's responsibilities as well as those incumbent upon its members, and the permanent members in particular, require continuous efforts on their part to settle a situation that threatens international peace and security.

The Charter in its letter and spirit is based fundamentally on the concept of the prohibition of aggression. The purposes and principles of the Charter, which Member States have resolved to uphold, and the primary responsibility conferred upon the Security Council cannot and should not condone the state of continuing aggression still persisting for eighteen months against three Arab countries as a result of Israel's aggression committed against the Arab States on 5 June 1967 and despite the Security Council's resolution [242(1967)] adopted on 22 November 1967, which provides for peaceful settlement. The Council cannot accept the continuation of a situation that threatens international peace and security, resulting from the aggressor's persistent refusal to accept and implement that settlement. In pursuance of the United Nations principles, the Organization and its Members shall act in accordance with the seven principles enumerated in Article 2 of the Charter, which include the principle

Mr. Dayan, who, asked whether the Government of Israel had really agreed to implement that resolution, replied: "If we had agreed, do you think there would have been so much international pressure to tell you so publicly?" (see *Le Monde*, No. 7430 of 3 December 1968).

I have the honour to request that this letter be circulated as an official document of the Security Council.

(Signed) George J. TOMEH
Permanent Representative of Syria
to the United Nations

DOCUMENT S/9042*

Letter dated 4 March 1969 from the representative of Syria to the Secretary-General

[Original text: English]
[5 March 1969]

Acting upon instructions from my Government, I have the honour to report to you the following.

On 26 February 1969, at about 0900 hours local time, the Israel occupation forces set fire to the Syrian village of Khisfne, located approximately at 2265-2506 co-ordinates. This Israel action constitutes a flagrant violation of part III, section III, article 53, of the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

It thus appears that there is no law which can make Israel respect recognized international obligations; this is shown by its continued flagrant violations of human rights. The senior Syrian representative to the Israel-Syrian Mixed Armistice Commission submitted to the Chairman of that Commission on 28 February 1969, in accordance with the Armistice Agreement, a complaint about this new outrage committed by the Israel army of occupation.

I would be grateful to you if this letter were issued as an official document of the Security Council and the General Assembly.

(Signed) George J. TOMEH
Permanent Representative of Syria
to the United Nations

* Also circulated as a General Assembly document under the symbol A/7522.

DOCUMENT S/9043

Letter dated 26 February 1969 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[5 March 1969]

On instructions from my Government, and further to my letter of 12 February 1969 [S/9007], I have the honour to communicate to you, for the information of the members of the Security Council, the following.

On 12 February 1969, aircraft of the United States-South Viet-Nameese air forces violated Cambodian air space over Bavet Kandal and the commune of Prasat (province of Svay Rieng), which they bombed and machine-gunned at about 1.30 p.m. and 3 p.m. respectively. Cambodian defence units opened fire on the aircraft, and one L-19 aircraft was hit and crashed in Cambodian territory. The pilot of this aircraft, a United States serviceman named Laird P. Osburn, who was slightly wounded, was captured and taken to the headquarters of the Royal Khmer Armed Forces.

The Royal Government of Cambodia has lodged a vigorous protest against this violation of its air space and the deliberate attack committed by United States-South Viet-Nameese air forces against its territory. It has called upon the Governments of the United States of America and the Republic of Viet-Nam to take appropriate measures to put an end to these hostile acts against a peaceful and neutral country.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) Huor Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9044

**Letter dated 5 March 1969 from the representative of Cambodia
to the President of the Security Council**

*[Original text: French]
[5 March 1969]*

On instructions from my Government, and further to my letter of 26 February 1969 [S/9043], I have the honour to inform you that three more United States servicemen, members of the crew of the aircraft of the United States-South Viet-Nameese air force which was shot down on 12 February 1969 at Bavet Kandal in Svay Rieng, have been captured by Cambodian forces and are now being held at the Royal Khmer naval base at Chruï Changwar (Phnom-Penh).

The names of the three persons held are Major Querin E. Herlik, Sergeant John Fisher and Sergeant Robert Pryor.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

*(Signed) Huor Sambath
Permanent Representative of Cambodia
to the United Nations*

DOCUMENT S/9045

**Letter dated 5 March 1969 from the representative of Cambodia
to the President of the Security Council**

*[Original text: French]
[5 March 1969]*

On instructions from my Government, and further to my letter of 5 March 1969 [S/9044], I have the honour to communicate to you, for the information of the members of the Security Council, the following.

From 10 January 1969 onwards, a reconnaissance aircraft of the United States-South Viet-Nameese forces violated Cambodian air space over the village of Pou-Kle, commune of Sen Monorom, district of O-Raing, province of Mondulhiri, nearly every day.

Four helicopters of the United States-South Viet-Nameese forces flew low over the same village on 18 January 1969. Returning on 20 January, guided by a reconnaissance aircraft, they attacked the village with machine-guns and rockets, setting fire to a hut belonging to one of the villagers and to surrounding crops and shrub. At the same time, one of the helicopters dropped rounds of ammunition for Chinese rifles, together with a black flag, obviously intending to create

the impression that there were foreign troops in this area.

The Royal Government of Cambodia denounces this manoeuvre by units of the United States-South Viet-Nameese forces, and has lodged a vigorous protest against the repeated violations of Khmer air space at Sen Monorom and against the machine-gun and rocket attacks on the village of Pou-Kle by aircraft and helicopters of the United States-South Viet-Nameese air forces. It has called upon the Governments of the United States of America and the Republic of Viet-Nam to take immediate measures to prevent any recurrence of such acts.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

*(Signed) Huor Sambath
Permanent Representative of Cambodia
to the United Nations*

DOCUMENT S/9046

**Telegrams dated 5 March 1969 from the President of the
Republic of Equatorial Guinea to the Secretary-General**

*[Original text: Spanish]
[5 March 1969]*

Request urgent dispatch of United Nations peace forces. Situation created by ex-Minister for Foreign Affairs Atanasio Ndongo Miyone and ex-Deputy Saturnino Ibongo Iyanga has failed. Am in control of situation but presence of United Nations forces is essential. Urgently request withdrawal of Spanish forces stationed in this country.

*Francisco MACÍAS NGUEMA
President*

propeller plane which the Israel forces have been lately using for purposes of artillery reconnaissance.

The military engagements extended later in the afternoon to Ismailia and Kantara in the north. Artillery and mortars were used by the Israel forces.

The recurrence of such attacks indicates clearly that those attacks are of a premeditated nature aimed at the destruction of civilian installations and homes in the densely populated areas of the cities along the Suez Canal.

It is significant that Israel forces, twice during the engagements, refused to comply with the cease-fire

proposals of the United Nations military observers in the area, the second of which was made by General Odd Bull himself, who was in the area during the exchange. Israel shelling only stopped at 1935 hours local time, i.e. twenty minutes after the initial time proposed by General Bull set at 1915 hours.

I have the honour to request that this letter be circulated as an official document of the Security Council.

(Signed) M. EL KONY

*Permanent Representative of
the United Arab Republic
to the United Nations*

DOCUMENT S/9073

Letter dated 11 March 1969 from the representative of the Union of Soviet Socialist Republics to the President of the Security Council

[Original text: Russian]
[11 March 1969]

I have the honour to transmit herewith a Tass News Agency statement of 28 February 1969 concerning acts of aggression committed by Israel against neighbouring Arab States and to request you to have this statement distributed as an official document of the Security Council of the United Nations.

(Signed) Y. MALIK

*Permanent Representative of the Union of Soviet
Socialist Republics
to the United Nations*

STATEMENT BY THE TASS NEWS AGENCY

The Israel militarists have committed a further series of acts of aggression against neighbouring Arab States in recent days.

On 24 February 1969, the Israel air force invaded Syrian air space and bombed population centres in the vicinity of Damascus. Some people were killed and wounded and substantial material damage was caused. Israel aircraft and armoured personnel carriers attacked Jordanian ~~troops~~ deployed south of the Dead Sea; Israel forces opened artillery fire in the Suez Canal area. Israel officials openly threaten further military actions against the Arab countries, including Lebanon and Iraq.

Tel Aviv government circles seek to justify these abominable acts of provocation committed by Israel, and universally condemned, by spurious references to the need for "massive reprisals" against the Arab countries in view of the growth of popular resistance in the occupied Arab territories. They also boast of the recent piratical raid on Beirut airport in Lebanon, although the United Nations Security Council unanimously condemned this act of piracy and warned Israel that appropriate sanctions would be applied if such actions were repeated.

Israel's latest acts of aggression are committed at a time when active efforts are being made to reach a peaceful political settlement in the Middle East on the basis of the Security Council resolution [242 (1967)] of 22 November 1967. These acts clearly show that those responsible for Israel's present policy are pursuing a course aimed at aggravating the situation in the Middle East and are increasing the tension, with the evident intention of creating *de facto* conditions which would preclude the possibility of establishing a lasting peace in the region.

It looks as if the extremist circles in Israel, intoxicated with chauvinism, arrogance and hatred of the Arab peoples, want a protracted war in the Middle East, pinning their hopes on assistance from some of their foreign protectors. Such calculations may, however, turn out to be a grave disappointment for the Tel Aviv rulers.

As regards the statements by Tel Aviv politicians concerning "massive reprisals", they should bear in mind that the struggle of peoples against invaders and occupiers is justified and legitimate from the point of view of international law. The longer the Israel forces remain in occupied Arab territories, the stronger and more extensive will the Arabs' struggle for liberation become. This should be kept in mind by those short-sighted politicians who are heading for a protracted war while professing their readiness for talks.

The Soviet Union declares itself to be firmly in favour of an immediate peaceful political settlement in the Middle East, in conformity with the Security Council resolution of 22 November 1967. The States and peoples of the Middle East must finally have the opportunity of living in a fair and lasting peace, free from violence and no longer at the mercy of aggressive forces.

DOCUMENT S/9074

Letter dated 11 March 1969 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[12 March 1969]

On instructions from my Government, and further to my letter of 5 March 1969 [S/9045], I have the honour to communicate to you, for the information of the members of the Security Council, the following.

On 11 January 1969, at about 9 a.m., the units of the United States-South Viet-Nameese forces at the Long Khot (Kien Tuong) post directed mortar-fire into Cambodian territory. Six shells fell 2,000 metres inside

Khmer territory, in the commune of Banteay Kraing, district of Kompong Rau (Svay Rieng), where they exploded, seriously injuring two oxen belonging to the local residents.

On 21 January, at about 10.45 a.m., two helicopters of the United States-South Viet-Nameese forces, guided by a spotter aircraft, violated Cambodian air space over the commune of Kokisom, district of Rumduol (Svay Rieng), where they dropped chemical powders which caused inflammations of the skin among the local residents.

On 26 January, at about 8 a.m., four launches of the United States-South Viet-Nameese forces moving along the Giang Thanh river directed gun-fire into Cambodian territory. Several shells fell in the commune of Beng Sala, district of Kompong Trach (Kampot), injuring an ox and a buffalo belonging to the local residents.

On 28 January, at about 4 p.m., units of the United States-South Viet-Nameese armed forces from the Thai Tri (Kien Tuong) post entered Cambodian territory, in the commune of Thnot, district of Chantrea (Svay Rieng). They opened fire on the local residents who were working in their fields, seriously wounding one of them, named Sao Im, who had to be taken to hospital immediately.

On 5 February, at about 5 p.m., the units of the United States-South Viet-Nameese armed forces at the Tan Thanh (Kien Phong) post directed gun-fire into Cambodian territory. Four shells fell in the commune of Peam Montea. These units fired on the same place again on the next day, at about 3 p.m., seriously damaging the telecommunication cables.

On 8 February, at about 9.30 p.m., the units of the United States-South Viet-Nameese forces stationed at the Cai Vang and Tan Thanh (Kien Phong) posts fired on Cambodian territory, and about ten shells fell near the Khmer provincial guard post in the commune of Peam Montea, district of Konpong Trabek (Prey Veng).

During the night of 8-9 February, the units of the United States-South Viet-Nameese forces at the Moc Bai (Hau Nghia) post directed mortar-fire into Cambodian territory. About ten shells fell approximately 500 metres inside Khmer territory, in the commune of Bavet, district of Svay Teap (Svay Rieng). The exploding shells seriously wounded a local woman resident, named Mau Ngauth, who had to be taken to hospital.

On 9 February, at about 4 p.m., the units of the United States-South Viet-Nameese forces at the Katum (Tay Ninh) post directed gun-fire into Cambodian territory. The bursting of a shell which fell in the village of Sre Tanong, commune of Chan Moul, district of Mimot (Kompong Cham), seriously wounded a local resident, named An Phan, who had to be taken to hospital.

On 13 February, at about 7 a.m., two boys living in the commune of Koh Sampeou, district of Peam Chor (Prey Veng) were killed when a shell, fired by units of the United States-South Viet-Nameese forces based in South Viet-Nam, exploded.

On 16 February, at about 3.30 p.m., five launches of the United States-South Viet-Nameese navy, while moving along the Giang Thanh river, fired automatic weapons at the village of Kompong Ting, which is approximately 500 metres inside Cambodian territory, in

the commune of Prek Kroeus, district of Kompong Trach (Kampot), killing an ox which belonged to the residents of that village.

On the same date, at about 11 p.m., the units of the United States-South Viet-Nameese forces at the Thanh Tri post fired several mortar shells into the Khmer commune of Khset, district of Kompong Rau (Svay Rieng).

On the same date, at about 12 midnight, the units of the United States-South Viet-Nameese forces at the Queo Ba post directed gun-fire into Cambodian territory.

On 17 February, at about 10 p.m., units of the United States-South Viet-Nameese forces at the Thanh Tri post fired six shells which fell in the commune of Khset (Svay Rieng), wounding a local resident.

On 19 February, at about 12 midnight, units of the United States-South Viet-Nameese armed forces from the Ong Tan post, moving along the Khmer-South Viet-Nameese frontier, fired automatic weapons at Cambodian residents who were in Khmer territory in the commune of Thmei, district of Kompong Rau, province of Svay Rieng. One of them was killed on the spot and another seriously wounded.

On 20 February, at about 4 p.m., four helicopters and a spotter aircraft of the United States-South Viet-Nameese air forces violated Cambodian air space over the commune of Cheam Kravien, district of Mimot (Kompong Cham) and opened fire on a resident who was riding a motor cycle. The motor cycle was hit by bullets and put out of action.

On 21 February, between about 9.30 and 11.30 a.m., twenty-two helicopters of the United States-South Viet-Nameese forces landed troops near the village of Tralock Bek, commune of Daung, district of Romeas Hek (Svay Rieng). After landing the troops, four of the helicopters and two spotter aircraft, supported by mortar-fire, flew over the village and fired rockets at it. Two women, named Neang Hem Ot and Neang Lam, were wounded and the house of a man named Khoy Sann was set on fire during this attack.

On 22 February, at about 8.30 p.m., the units of the United States-South Viet-Nameese forces at the Thanh Tri post again fired on the place mentioned above. Three local residents were wounded by exploding shells, which fell approximately 500 metres inside Cambodian territory.

On 23 February, at about 6 a.m., three helicopters of the United States-South Viet-Nameese forces machine-gunned a provincial guard post under construction at Chrak Leav, commune of Bavet (Svay Rieng). A member of the guard named Nong Peou was wounded and had to be taken to hospital.

During the night of 24 February, at about 10 p.m., the units of the United States-South Viet-Nameese armed forces at the Moc Bai post directed artillery fire into Cambodian territory. Several shells fell approximately 500 metres inside Cambodian territory in the commune of Bavet, district of Svay Teap, province of Svay Rieng. A member of the Khmer Royal Police was killed on the spot by the exploding shells.

The Royal Government of Cambodia has vigorously protested against these repeated violations of Cambodian territory and this provocative firing by United States-South Viet-Nameese forces on the peaceful resi-

dents and members of the defence forces of Cambodia. It warns the Governments of the United States of America and the Republic of Viet-Nam of all the consequences which may result therefrom, and demands that they should take immediate measures to put an end to such hostile acts.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) Huot Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9075

Letter dated 12 March 1969 from the representative of Israel to the President of the Security Council

[Original text: English]
[12 March 1969]

On instructions from my Government, I have the honour to refer to the letter dated 4 March 1969 [S/9041] sent to you by the Permanent Representative of Syria to the United Nations.

Referring to the statement in my letter to the President of the Security Council of 28 February 1969 [S/9033] that "Syria has rejected the Security Council resolution of 22 November 1967", the representative of Syria writes: "I need not stress the obvious irrelevance of such a reference" (emphasis is placed in the original on the word "irrelevance").

There could not be a more revealing expression of Syria's destructive and aggressive posture. Not only does Syria arrogate to itself since 1948 the right to wage war against Israel in defiance of the United Nations, and to pursue warfare in breach of the cease-fire, but it suggests to the Security Council that its rejection of the Council's call for a just and lasting peace with Israel is irrelevant. This is the height of arrogance on the part of a country self-convicted of a standing violation of the fundamental provisions of the United Nations Charter. Its spurious claims and complaints reflected in the letter of 4 March 1969 must be treated accordingly.

With regard to the Syrian representative's allegation that the Israel defensive air action of 24 February

1969 at El-Hamma and Maisaloun was not directed against bases of the El Fatah terror organization, I should like to point out again that international and Arab information media have not been as inhibited in admitting the known facts as the representative of Syria apparently is. It is enough to mention the statement of the El Fatah spokesman on 24 February 1969 (quoted for instance by the Lebanese daily *Al-Yom* of 25 February 1969) to the effect that "El-Hamma and Maisaloun served as bases of our organization". The spokesman went on to say that since the attack on the Israel passenger aircraft at Zürich International Airport, Israel counter-action was expected and the bases were consequently evacuated. Careful study of General Bull's report of 27 February 1969 [S/7930/Add.126] reveals how the Syrian authorities attempted, by placing obstacles in the way of the United Nations military observers' investigation and in other ways, to camouflage the real nature of those El Fatah bases.

I have the honour to request that this letter be circulated as an official document of the Security Council.

(Signed) Yosef TEKOAH
Permanent Representative of Israel
to the United Nations

DOCUMENT S/9076

Letter dated 13 March 1969 from the representative of Israel to the President of the Security Council

[Original text: English]
[13 March 1969]

On instructions from my Government I have the honour to bring to your attention the fact that Algerian armed forces participated in the aggressive attacks carried out against Israel in recent days along the Suez Canal sector.

According to the report submitted to the Security Council by Lt. General Odd Bull [see S/7930/Add.134-138], attacks on Israel forces were launched from the west bank on 8, 9 and 11 March 1969. Reuters reported from Algiers on 9 March that "Algerian forces stationed on the west bank of the Suez Canal took part, alongside the Egyptian forces, in the artillery battle on Saturday against the Israel forces". According to Reuters, this was announced by the official Algerian information services.

It will be recalled that Algeria has refused thus far to accept the cease-fire established by the Security Council in June 1967. I have already stressed the

gravity of this behaviour in a letter addressed to the President of the Security Council on 29 October 1968 [S/8875]. The Algerian Government has not modified its position since then and persists, contrary to its international obligations, in a policy of aggression against Israel. In this connexion, the provisions of Article 23 of the United Nations Charter are of particular interest. The Article states that in electing the non-permanent members of the Security Council due regard will be specially paid "in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security".

I have the honour to request that this letter be circulated as an official document of the Security Council.

(Signed) Yosef TEKOAH
Permanent Representative of Israel
to the United Nations

The decision to contribute the same amount as previously, despite the reduction by 25 per cent of the Force since November 1968, was made in recognition of the serious financial situation facing the United Nations in regard to UNFICYP, as well as in the expectation that other Member countries will also find it possible to maintain the voluntary contributions for the force at the previous level.

My Government has taken this decision without prejudice to its attitude on the principle of collective financial responsibility for United Nations operations of this nature.

In view of the difficult financial situation of UNFICYP, my Government has also decided to make a further contribution of Norwegian Kroner 145,000—approximately \$US20,000—towards meeting the deficit in the account of UNFICYP. The two amounts, totaling \$US120,195.66, have already been transferred to the UNFICYP account with the Irving Trust Company of New York.

I would be grateful if you could have this letter circulated as a document of the Security Council.

(Signed) Edward HAMBRO
Permanent Representative of Norway
to the United Nations

DOCUMENT S/9087

Letter dated 14 March 1969 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[17 March 1969]

On instructions from my Government, and further to my letter of 11 March 1969 [S/9074], I have the honour to communicate to you, for the information of the members of the Security Council, the following.

On 22 February 1969, at about 4.30 p.m., a spotter aircraft of the United States–South Viet–Nameese forces repeatedly violated Cambodian air space over the village of Chrak Kranh, commune of Rong, district of Mimot (Kompong Cham). At the same time, the units of the United States–South Viet–Nameese forces at the Katoum post fired several artillery shells in the direction of Cambodian territory. The explosion of these shells wounded a Buddhist monk and four buffaloes and killed four other buffaloes.

On 26 February, a helicopter of the United States–South Viet–Nameese forces violated Cambodian air space over the commune of Kokisom, district of Rumduol (Svay Rieng). A Cambodian inhabitant named Phoeung Khien, who was fishing at a point inside Cambodian territory, was killed by shots fired from the aforementioned helicopter.

During the night of 27 February, from 8 p.m. to midnight, several aircraft of the United States–South Viet–Nameese forces violated Cambodian air space over the area of Mesar Thngak, district of Svay Teap (Svay Rieng) and attacked the area with rocket and machine-gun fire, damaging one house and severely wounding five female inhabitants, one of whom succumbed to her wounds while being taken to hospital. The victims were the following: Néang Sot Lon, age 15 (deceased); Néang Sot Lan, age 10, Néang Phan Nin, age 15,

Néang Pan Tieng, age 21, Néang Peou Sum, age 27 (hospitalized).

On 2 March, at about 1.30 a.m., units of the United States–South Viet–Nameese forces estimated at sixty persons intruded into Cambodian territory in the village of Keo Chas, commune of Banteay Kraing, district of Kompong Rau (Svay Rieng), at a point approximately 800 metres from the Khmer–South Viet–Nameese frontier. The aforementioned units opened fire with their automatic weapons on the said village, killing on the spot a little girl named Néang Pauk Sabor, age 12. When the aggressors withdrew, they took away property and poultry and destroyed five sacks of paddy belonging to the inhabitants of the village.

The Royal Government of Cambodia has lodged a vigorous protest against these violations of Cambodian air space and territory and these deliberate attacks committed by the United States–South Viet–Nameese forces against peaceful and innocent Khmer inhabitants. It has demanded that the Governments of the United States of America and the Republic of Viet-Nam should take appropriate measures to punish the guilty, compensate the families of the victims and put an end to such acts of banditry.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) Huot Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9088

Letter dated 14 March 1969 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[17 March 1969]

On instructions from my Government and further to my letter of 14 March 1969 [S/9087], I have the honour to communicate to you, for the information of the members of the Security Council, the following text of a statement by the Royal Government of Cambodia, dated 7 March 1969:

“On 27 February 1969, from 8 p.m. to midnight, several aircraft of the United States–South Viet–Nameese air forces violated Cambodian air space and attacked the area of Mesar Thngak, province of Svay Rieng, with rocket and machine-gun fire. Five young women and girls of a village of the sangkat

seriously. Among those killed was an entire family from the Kuloob tribe, two students walking on their way back from school and a 12-year-old boy.

Many of the casualties were elderly women and children. Six houses and a number of trucks were destroyed. The attacks caused serious and heavy damage to the main roads linking the villages to the city of Es Salt. One of the Israel rockets left a 10-metre-deep pit. Some have not exploded.

In my letter to you dated 16 March [S/9083], I reminded the Council that "if the use by Israel of napalm and other destructive weapons, in brutal defiance of the United Nations cease-fire resolution, is allowed to go unchecked, the Israelis will continue to

embark upon more violations and acts of aggression". Today, the Israelis executed another grave attack, causing heavy loss of life and damage to property.

Upon instructions from my Government, I have the honour to request an urgent meeting of the Security Council to consider these continuous and grave violations by Israel and to adopt more adequate and effective measures to check Israel acts of aggression and restore international peace and security.

May I request that this letter be circulated as an official document of the Security Council.

(Signed) Muhammad H. EL-FARRA
Permanent Representative of Jordan
to the United Nations

DOCUMENT S/9114

Letter dated 27 March 1969 from the representative of Israel to the President of the Security Council

[Original text: English]
[27 March 1969]

On instructions from my Government, and further to my letter of 17 March 1969 [S/9089], I have the honour to request an urgent meeting of the Security Council to consider the complaint of grave and continual violations by Jordan of the cease-fire, the provisions of the United Nations Charter, and of international law, including:

(a) Armed attacks, armed infiltration and acts of murder and violence by terrorist groups operating from Jordan territory with the official support, aid and encouragement of the Jordanian Government and armed forces;

(b) Firing across the cease-fire lines by Jordanian forces, and in particular the wanton shelling of Israel villages.

I have the honour to request that this letter be circulated as a document of the Security Council.

(Signed) Yosef ТЕКОАН
Permanent Representative of Israel
to the United Nations

DOCUMENT S/9117

Letter dated 26 March 1969 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[27 March 1969]

On instructions from my Government, and further to my letter of 14 March 1969 [S/9088], I have the honour to communicate to you the following, for the information of the members of the Security Council.

On 21 February 1969, at about noon, a vedette boat carrying units of the United States-South Viet-Nameese forces penetrated Cambodian territorial waters up to a point situated about 1,500 metres from the village of Koh Chanlos, commune of Russey Srok, district of Kompong Trach (Kampot). There they seized the Cambodian fishermen with their fishing gear and took them by force into South Viet-Nam.

On the night of 22-23 February after midnight, four helicopters of the United States-South Viet-Nameese forces violated Cambodian air space over the commune of Bavet, district of Svay Teap (Svay-Rieng). They attacked the Cambodian defence positions with rocket and machine-gun fire wounding a member of the Provincial Guard.

On 23 February, at about 9 a.m., some ten M.113 armoured vehicles of the United States-South Viet-Nameese forces entered the commune of Prasat, district of Chantrea (Svay-Rieng). They remained there for a few minutes before withdrawing into South Viet-Nam.

On the same day, at about 9.30 p.m., cannon and mortars were fired from posts of the United States-South Viet-Nameese forces at Gau Dau Ha and Moc Bai on the public buildings at Bavet, causing the following material damage, namely one Customs and Excise warehouse burned and one Royal Police billet damaged.

On 25 February at about 9 p.m., the Cambodian posts at Bavet were again subjected to attacks, made with mortars and automatic by units of the United States-South Viet-Nameese forces at the Moc Bai post. Three Khmer soldiers were wounded in the attack, and two of them are in serious condition.

On 4 March, at about 6 p.m., units of the United States-South Viet-Namense forces from the Thanh Tri post fired mortars on the Buddhist monastery of Prey Vor, situated about 1,600 metres from the Khmer-South Viet-Namense border, in the commune of Thmei, district of Kompong Rau (Svay-Rieng). Two of the buildings belonging to the monks were damaged and a boy was seriously wounded in the attack. He succumbed after being evacuated to a hospital.

On 7 March, at about 6.25 a.m., units of the United States-South Viet-Namense forces based in South Viet-Nam at a point opposite the Cambodian commune of Bavet resumed harassment by mortar fire of the Cambodian post of Bavet-Krom, seriously wounding five members of the Cambodian defence forces.

The names of the five are as follows: Mao Mok, Quartermaster-Sergeant; Hul Tin, Private First Class;

Uy En, Private Second Class; Pich Lon, Private Second Class; Neou Nay, Private Second Class.

The Royal Government of Cambodia has protested vigorously and with indignation against the repeated violations of Cambodian territory and the acts of provocation deliberately committed by the United States-South Viet-Namense forces against Cambodia. It has demanded that the Governments of the United States of America and the Republic of Viet-Nam should take immediate steps to have the Cambodian fishermen released, prevent the repetition of such hostile acts, and compensate the victims.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) Huor Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9118*

Letter dated 27 March 1969 from the representative of Iraq to the President of the Security Council

[Original text: English]
[27 March 1969]

On instructions from my Government, I have the honour to refer to the letter addressed to you on 19 March 1969 by the Permanent Representative of Israel to the United Nations [S/9095].

Apart from repeating the usual Israel presumptions, the letter does not amount to more than an exercise in rhetoric. However, the gross falsifications with which the letter is so abundantly imbued make it imperative to set the record straight again.

1. The very first statement in the letter, to the effect that "wherever violations of human rights take place, the conscience of all decent people will be aroused", immediately rules Israel out as qualified to take any stand on human rights. Nor does it appear that Israel is moved by the reaction of decent people all over the world to the various violations of basic human rights in the Arab territories occupied by Israel. In the light of Israel's record since its inception, and particularly since its aggression in June 1967, any reference by it to "moral duty" and "international responsibility" should be taken with extreme caution, if not with downright suspicion.

2. Unabashedly, the letter of the Israel representative again repeats the now worn-out allegation that the Iraqis who were found guilty, by a court of law, of espionage for Israel were "defenceless individuals". No individuals in the recent history of the Middle East earned the adjective of "defenceless" more than the people of Deir Yassin and Kafr Qasim, for whose massacre pre-natal and post-natal Israel is solely responsible. This is apart from those displaced by Israel's recent acts of aggression or those detained and imprisoned or those whose houses were dynamited by the Israel authorities in the occupied territories without benefit of a trial.

3. In the customary exercise of semantics, the letter of the Israel representative refers to the Iraqis (or at least those of them who in Israel's view are defence-

less) as people who happen to "live" in the country. It may be useful to assure the Israel representative that all loyal Iraqis have better and more valid rights to their country than any Zionist could claim to Palestine. The only people who happen to "live" in a country are those who usurped it from its rightful inhabitants.

4. Again, the letter of the representative of Israel reiterates various false charges with regard to the trial and conviction of persons found guilty of espionage for Israel, in spite of the fact that those charges have been time and again rejected and entirely refuted. He may find his repetitions helpful in order that he may eventually be convinced of the truth of them, but I have no remedy for this.

5. It is also customary, when Zionists assume the self-awarded role of representing other Jews, for them to refer time and again *ad nauseam*, to the alleged "previous persecutions in Iraq". And although the circumstances in which Iraqi Jews were given the option to relinquish freely their nationality some eighteen years ago have been amply covered in previous documents—reference should be made to this Mission's letters of 3 and 27 June 1968, issued as documents S/8610 and S/8657 respectively—the Israel representative always finds it appropriate to call the granting of that choice to Iraqi Jews "persecution". He even alleges that the majority of those Iraqi Jews who freely chose to renounce their Iraqi nationality have found "refuge" and haven in Eretz Israel.

If the Israel representative is still in doubt of the true nature of the Jewish "flight" from Iraq, he may be referred to Mr. Ovadin Sehayek, whose address is at present unknown, or any of his eight brothers and sisters, for an informative treatise on the objective and methods of the *halutz* movement in Iraq. Or better still, he may be referred to Mr. Israel Galili, the present Israel Minister of Information, who is reputed to be quite an authority on the subject. But giving the Israel representative the benefit of the doubt and assuming that he is really unaware of the enormity of the lies

* Incorporating document S/9118/Corr.1 of 31 March 1969

The dangerous incompatibility of this official policy, and of the aggressive intentions manifested by it, with the United Arab Republic's obligations under the United Nations Charter, Security Council resolutions and the cease-fire is clear.

I have the honour to request that this letter be circulated as a document of the Security Council.

(Signed) Yosef TEKOAH
Permanent Representative of Israel
to the United Nations

DOCUMENT S/9125

Letter dated 1 April 1969 from the representative of Iraq to the President of the Security Council

[Original text: English]
[1 April 1969]

Acting upon instructions from my Government and with reference to the letter of the representative of Israel of 19 March 1969 [S/9094], regarding what he termed "entry and stationing of Iraqi armed forces in Syria", I have the honour to state the following:

The entry of Iraqi armed forces into Syria was made upon the specific request of the Syrian Government, and in fulfilment of the Joint Defence Agreement between Iraq and Syria. The Iraqi troops have been stationed in the Syrian territory at a considerable distance from the cease-fire line.

It will be recalled that a premeditated war of aggression was waged by Israel in June 1967 against three Arab States. Considerable parts of the territories of these Arab States, including Syria, have since been occupied by Israel. The leaders of Israel have never made secret their designs to perpetuate the occupation and to annex the occupied Arab territories, particularly those of Syria, which the Israelis now consider as part of the "natural borders of Israel". And when the Israel plans of expansion envisage having the territory of Eretz Yisrael extend "from the Euphrates to the Nile", Syria and Iraq then have the supreme right and duty to concert efforts to prevent such an eventuality.

The presence of Iraqi armed forces in Syria is therefore a mutual measure in the exercise of the

right of self-defence, which right has been enshrined in the Charter of the United Nations and recognized by international law. Iraq, in fact, is nationally and legally obligated to come to the assistance of any Arab country member of the League of Arab States under the Arab Common Defence Pact when such a country is facing ruthless occupation and a threat of further aggression and expansion, regardless of the source of such a threat.

The Security Council is at present seized of the situation arising from the continued Israel occupation of the territories of three Arab States, and has on several occasions in the past deplored the repeated acts of aggression committed by Israel against the neighbouring Arab States. The Israel representative, who on various occasions arrogantly admitted the Israel breaches of the cease-fire resolutions, is undoubtedly attempting in his letter under reference to justify and prepare for future acts of aggression by Israel against the neighbouring Arab States.

I have the honour to request that this letter be circulated as an official document of the Security Council.

(Signed) Adnan RAOUF

Acting Permanent Representative of Iraq
to the United Nations

DOCUMENT S/9126

Letter dated 1 April 1969 from the Representative of Cambodia to the President of the Security Council

[Original text: French]
[2 April 1969]

On the instructions of my Government and further to my letter of 26 March 1969 [S/9117], I have the honour to communicate the following, for the information of members of the Security Council:

On 27 February 1969, at about 6.45 a.m., two motor boats of the United States-South Viet-Nameese forces, patrolling on the river Giang Thanh, disembarked a group of soldiers in the commune of Prek Kroeus, district of Kompong Trach, province of Kampot, about 200 metres from the frontier in Cambodian territory. These soldiers arrested a man named Nou Ching, an inhabitant of the village of Prey Prang, in the same commune, and took him away by force in the direction of Hatien.

On 2 March 1969, at about 1.20 p.m., an aircraft of the United States-South Viet-Nameese forces violated Cambodian air space over the village of Kraing Leav, district of Cham, province of Prey Veng, and fired rockets at the herds of oxen grazing in the neighbourhood of the village, about 300 metres inside Khmer territory. Two oxen were killed and two others wounded.

On the morning of 5 March 1969, eight United States-South Viet-Nameese motor boats patrolling on the river Giang Thanh disembarked about twenty commandos to lay anti-personnel mines in Khmer territory near the frontier. On the same day, at about 1.30 p.m., inhabitants of the villages of Bat Banleak

who were passing through the area came upon two of the mines, which exploded and seriously wounded two of them.

On 8 March 1969, at about 6 p.m., members of the United States-South Viet-Nameese forces at the post of Tan An fired mortars into Cambodian territory. Two shells fell about 200 metres beyond the frontier in the commune of Kaâm Samnâr Krom, district of Louek Dêk, province of Kandal.

On 9 March 1969, at about 4.30 a.m., several United States-South Viet-Nameese motor boats patrolling along the river Giang Thanh deliberately fired mortars into Cambodian territory. Six shells fell about two kilometres inside Khmer territory in the village of Preah Trahing, commune of Prek Kroeus, district of Kompong Trach, province of Kampot.

On the same day, at about 9.20 a.m., members of the United States-South Viet-Nameese forces from the post of Queo Ba fired cannon into Khmer territory.

The fragments of the shells, which fell about 2,000 metres beyond the frontier, in the commune of Mêsâr Thngâk, district of Chantrea, province of Svay Rieng, wounded a local inhabitant named Pen Chit, aged thirty-five, and damaged three dwellings.

The Government of Cambodia has lodged a strong protest against these violations of Cambodian air space and territory, followed by deliberate shooting at peaceful Khmer inhabitants by the United States-South Viet-Nameese forces. It has asked the Governments of the United States of America and the Republic of Viet-Nam to take immediate measures to prevent a recurrence of such hostile acts and to compensate the victims.

I should be grateful if you would arrange for this communication to be circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of
Cambodia to the United Nations

DOCUMENT S/9127

Letter dated 1 April 1969 from the representative of Cambodia to the President of the Security Council

[Original text in French]
[2 April 1969]

On the instructions of my Government and further to my letter of 1 April 1969 [S/9126] I have the honour to transmit to you, for the attention of the members of the Security Council, the following information.

On 11 March 1969, at about 12.30 a.m., five helicopters, guided by a reconnaissance aircraft, of the United States-South Viet-Nameese forces, coming from South Viet-Nam, violated Cambodian air space and attacked with machine-gun fire and rockets the Cambodian village of Skatum, commune of Cheam Kravien, district of Mimot, in the province of Kompong Cham.

At about 6 p.m. the aircraft returned and again attacked the same village with machine-gun fire and rockets for approximately forty-five minutes, causing the following casualties and damage:

Four inhabitants killed—their names are as follows:

Tann Bo, aged 70 years
Néang Klok Tay, aged 30 years
Klok Onn, aged 8 years
Klok Yun, aged 2 years

Ten inhabitants wounded, five seriously—their names are as follows:

Néang Klok Cay, aged 33 years
Chhim Chhuon, aged 9 years
Néang Pel Touch, aged 15 years
Tith Moeung, aged 46 years
Néang Moeung Chhuk, aged 8 years
Chhim Sophorn, aged 6 years
Néang Moeung Sen, aged 17 years
Ea Chea, aged 30 years
Luk Has, aged 57 years
Son South, aged 23 years

*Five oxen and three buffaloes killed and one ox injured.
Four homes seriously damaged.*

On 14 March 1969, the International Control Commission, comprising Mr. H.C. Chandhary (India), Chairman, a.i., His Excellency Mr. R.V. Gorham (Canada) and Mr. Szynanski (Poland), members, visited the scene of the attack, accompanied by representatives of the Ministry for Foreign Affairs and of the General Staff of the Royal Cambodian Armed Forces.

Using topographic maps of the region and diagrams of the attacks, Colonel Thong Van Fan Moeung, Colonel commanding the First Military Region, reported the facts and drew the attention of the members of the Commission to the acts of aggression committed by United States forces and the armed forces of the Republic of Viet-Nam since the beginning of 1969.

Statement of facts:

After indicating the geographic position of the village of Skatum with respect to the sangkat of Cheam Kravien, srok of Mimot, of which it is an administrative subdivision, and its position with respect to the Cambodian-Viet-Nameese border, situated at a distance of approximately 1,500 metres, Colonel Thong Van Fan Moeung first reported to the members of the International Control Commission the various acts of aggression committed by United States forces and the armed forces of the Republic of Viet-Nam in that region since the beginning of 1969.

On 9 February 1969, the sangkat of Chan Moul (srok of Mimot) came under artillery fire from the post of the United States-Republic of Viet-Nam forces at Katum, approximately 7 km within South Viet-Nameese territory. One villager was wounded during the shelling.

On 20 February 1969, four helicopters and one L-19 aircraft violated our air space and opened fire on Cambodian villagers travelling along the road from Mimot to Skatum very near the village Cheam Krevien. One motorcycle was rendered completely unserviceable.

On 21 February 1969, the village of Leach came under artillery fire from the same United States–Republic of Viet-Nam post at Katum. One Buddhist priest was wounded.

Colonel Thong Van Fan Moeung then described the events of 11 March 1969, the subject of the Commission's inquiry.

On that day, at about 12.30 a.m., a reconnaissance aircraft and five helicopters flew over the village of Skatum and fired on it with automatic weapons and rockets for five minutes. This brief attack did not cause any casualties or serious damage.

However, on the same day, at about 6 p.m., the same number of aircraft, i.e., five helicopters and one reconnaissance aircraft, returned and flew over the village of Skatum for forty-five minutes. As they circled the village, the helicopters engaged in heavy machine-gun fire and dropped rockets.

During that deliberate act of aggression, four villagers were killed.

Villager Tann Bo, aged 70 years, had his head blown off by a rocket just as he was about to take shelter, and it rolled several metres from his body.

Within several seconds, a father by the name of Klok lost his wife, Néang Klok Tay, aged 30 years, and his two children, Onn, aged 8 years, and Yun aged 2 years.

In addition, ten persons were wounded, six of them, suffering serious shrapnel or bullet wounds, being evacuated to the hospital at Kompong Cham. The four other wounded were sent to the hospital on the rubber plantation at Mimot. Two of the latter have already returned to the village. The wounded included women and children, whose names are as follows:

Tith Moeung, aged 46 years,
Néang Klok Cay, aged 33 years,
Chhim Chhoun, aged 9 years,
Néang Pel Touch, aged 15 years,
Néang Moeung Chhuk, aged 8 years,
Chhim Sophorn, aged 6 years.
(all evacuated to the hospital at Kompong Cham)

Luk Has, aged 57 years,
Ea Chea, aged 30 years,
Son South, aged 23 years,
Néang Moeung Sen, aged 17 years.
(all four sent to the hospital at Mimot).

The total loss of livestock is as follows:

5 oxen and 3 buffaloes killed,
1 ox injured.

Damage to property:

4 dwellings seriously damaged.

To summarize, as a result of the attacks that have occurred since the beginning of 1969, our total losses have been:

4 villagers killed,
12 villagers, including a monk, wounded,
10 head of cattle killed, and dwellings destroyed or damaged.

Furthermore, during the same period, the Military Command of the region recorded thirteen provocative acts which did not, however, cause any serious injury or damage. These acts consisted of strafing by aircraft and shelling by artillery of the United States–Republic of Viet-Nam forces, which left more than sixty shell-holes in the region.

In the village of Skatum alone, nineteen rocket craters were counted. Furthermore, a large number of rocket fragments were picked up on the ground, including rocket tips complete with their directional fins, and these fragments were handed over to the members of the International Control Commission as evidence.

After this detailed report by the Colonel commanding the First Military Region, the members of the Commission carried out a preliminary interrogation of the soldiers, before visiting the village of Skatum in the company of Colonel Thong Van Fan Moeung.

Guided by the Colonel commanding the First Military Region of Cambodia, the members of the Commission went all through the village of Skatum, observed the damage to dwellings, the shell-holes, the large quantity of rocket fragments, including rocket tips complete with their directional fins, that had been picked up on the ground, and the decomposing corpses of the victims and dead cattle.

It was almost 3.30 p.m. before the inspection of Skatum was completed, and the Commission then interrogated the inhabitants and the members of the victims' families until about 5 p.m.

It should be mentioned that, during this inquiry, aircraft of the United States–Republic of Viet-Nam forces were extremely active and overflew the area of the inquiry on several occasions in violation of Cambodian air space, and, in short, the Commission did not lose sight of them for a single instant.

You will find attached a set of photographs of the various activities of the members of the International Control Commission during their inquiry at the scene of the attack.

The Royal Government of Cambodia has protested vigorously and most indignantly against this violent attack on a Cambodian village, which brought death and destruction to its innocent inhabitants. It has demanded that the Governments of the United States of America and the Republic of Viet-Nam take immediate steps to put an end to such hostile acts against Cambodia and that they compensate the victims.

Finally, it should be noted that the act of aggression committed by the United States–South Viet-Nam forces against the peaceful inhabitants of the Cambodian village of Skatum took place on the very day that the Cambodian Head of State made the important decision to release four United States prisoners unconditionally, on the basis of nothing more than a friendly letter from President Nixon.

I should be grateful if you would have the text of this communication and the attached photographs issued as a Security Council document.

(Signed) HUOT SAMBATH
Permanent Representative of
Cambodia to the United Nations

[The photographs attached to the mimeographed version of the present document are not reproduced here.]

DOCUMENT S/9128

Letter dated 1 April 1969 from the representative of Cambodia to the
President of the Security Council

[Original text: French]
[2 April 1969]

On the instructions of my Government and further to my letter of 1 April 1969 [S/9127], I have the honour to communicate the following, for the information of members of the Security Council.

On 12 March 1969, at about 2 p.m., three aircraft of the United States-South Viet-Nameese forces violated Cambodian air space over the village of Thnot, district of Kompong Rau, in the province of Svay Rieng, and attacked with machine-guns and rockets, wounding six persons, three of them seriously, among the inhabitants of the village, who were tending their cattle.

They were the following:

Nhem Kay, aged 23 years;
Chau Vay, aged 18 years;
Som Roeun, aged 16 years;
Thong San, aged 18 years;
Chrunh Yin, aged 18 years;
Néang Ghrunh Yim, aged 21 years.

Also, one buffalo was killed and another wounded during the attack.

The Royal Government of Cambodia has lodged a strong and indignant protest against this deliberate violation of Cambodian air space by United States-South Viet-Nameese forces, followed by a murderous attack upon the peaceful inhabitants of Cambodia. It has demanded that the Governments of the United States of America and the Republic of Viet-Nam take appropriate measures to prevent a recurrence of such hostile acts and to compensate the victims.

I should be grateful if you would arrange for this communication to be circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of
Cambodia to the United Nations

DOCUMENT S/9130

Letter dated 3 April 1969 from the representative of the United Arab Republic to the
President of the Security Council

[Original text: English]
[3 April 1969]

On instructions from my Government and with reference to the recent letters addressed by the Israel representative to the President of the Security Council, I have the honour to draw your attention to a series of flagrant distortions and unfounded allegations contained therein which are totally untenable.

It is to be noted with grave concern that the Israel authorities are blatantly using the cease-fire arrangements to justify and explain the illegal presence of their troops in the occupied Arab territories. In this connexion, it has to be recalled that this presence is the immediate result of a treacherous attack and criminal aggression committed by Israel against the neighbouring Arab States, and that their continued presence is a continuous violation of the United Nations Charter and the various United Nations resolutions. Furthermore, it should be stressed that unilateral interpretations of the cease-fire, which are inconsistent with its very nature and temporary character, are entirely inadmissible, especially when such interpretations are in open contradiction of the letter and the spirit of the Charter.

Another contention advanced by the Israel authorities which should be rejected forthwith by the Security Council pertains to the Israel attempts to ignore this close relationship between the cease-fire resolutions adopted by the Security Council and its resolution 242 (1967) of 22 November 1967. The Israel authorities should be reminded that the cease-fire resolutions were considered by the Security Council as a *first step* to be followed by others, which the Council did not fail to take when resolution 242 (1967) was unanimously adopted.

It is self-evident that these distortions, as well as the flow of letters from the Israel Permanent Representative, constitute weak and futile attempts by the Israel authorities to distract the attention of the international community from their continued aggression and to disguise their expansionist policies.

The allegations put forward by Israel concerning the alleged violations of the cease-fire by the United Arab Republic, apart from serving the sinister purpose of the Israel authorities of consolidating their occupa-

It is to be noted that in these premeditated attacks the Israel occupying forces were concentrating their shellings against the harbour of Suez.

At 13.15 local time, a cease-fire was arranged by the United Nations military observers.

As a result of this wanton attack, apart from the destruction of civilian installations and damage to an oil tanker, several civilians have lost their lives.

In my previous letters, I have underlined the main objectives of these attacks against the United Arab Republic perpetrated by the Israel occupying forces; namely, to terrorize the civilian population and to paralyse the economic life in the area of the Suez Canal.

Today's aggression by the Israel occupying forces bears out the criminal pattern of the policy of Israel.

I have the honour to request that this document be circulated as an official document of the Security Council.

(Signed) Mohamed Awad EL-KONY

*Permanent Representative of the
United Arab Republic to the
United Nations*

DOCUMENT S/9133

Letter dated 4 April 1969 from the representative of Cambodia
to the President of the Security Council

[Original text: French]
[4 April 1969]

On the instructions of my Government and further to my letter of 1 April 1969 [S/9127], I have the honour to transmit to you herewith the text of a statement by the Royal Government of Cambodia concerning the attack on the Cambodian village of Skatum, which was carried out on 11 March 1969 by helicopters and aircraft of the United States-South Viet-Nameese forces:

"On 11 March 1969, at about 12.30 p.m., five helicopters guided by a reconnaissance aircraft of the United States-South Viet-Nameese forces attacked with machine-gun fire and rockets the phum of Skatum, in the sangkat of Choam Kravien, srok of Mimot, province of Kompong Cham, causing some damage. A second attack, carried out by the same aircraft at about 6 p.m., inflicted heavy losses on the Cambodian civilian population, four persons being killed (a man, a woman and two children) and ten persons being seriously wounded. In addition, five oxen and two buffaloes and two houses were destroyed by fire.

"The Royal Government of Cambodia denounces, before the United Nations and world public opinion, this further crime committed by United States aircraft and asks that a parallel be drawn between the humanitarian gestures of Cambodia in unconditionally releasing United States prisoners captured in Cambodian territory and the wilful killing of men, women and children by the United States Air Force. It points out, moreover, that the sole victims of this most recent unjustifiable act of aggression have been peaceful Cambodian citizens and not, as United States propaganda claims, FNL combatants who had infiltrated into our frontier areas.

"The Royal Government demands once again that the United States put an end to its terrorist attacks against Cambodia, and, to this end, it asks the support of all the countries which guarantee respect for the Charter of the United Nations and the elementary rights of a country which practises a policy of strict neutrality."

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath

*Permanent Representative of Cambodia
to the United Nations*

Further, paragraph 7 of the Commission's resolution of 5 January 1949 provides that "all authorities within the State of Jammu and Kashmir will undertake to ensure . . . [that] there shall be freedom of the Press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit".

The resolution of the Security Council of 21 April 1948 [47 (1948)] contains a similar provision and, in paragraph 14, states:

"The Government of India should ensure that the Government of the State releases all political prisoners and takes all possible steps so that:

"(a) All citizens of the State who have left it on account of disturbances are invited, and are free, to return to their homes and to exercise their rights as such citizens;

"(b) There is no victimization;

"(c) Minorities in all parts of the State are accorded adequate protection."

7. It is thus the unquestioned obligation of the Government of India to invite citizens of the State who have left the Indian-occupied area to return to their homes and also to guarantee all human and political rights of the people of the State. Far from

doing so, the Government of India is now seeking to deprive such citizens of their property and is taking steps to make any voicing of the demand for self-determination an offence liable to heavy-punishment.

8. In addition to constituting violations of the obligations of India under United Nations resolutions and the provisions of the United Nations Charter, the two measures cannot but prevent the creation of an atmosphere favourable to the promotion of negotiations for a peaceful settlement of the dispute concerning the State of Jammu and Kashmir.

9. The Security Council has consistently appealed to the parties to the dispute to refrain from any action likely to prejudice a just and peaceful settlement. The Government of Pakistan deeply regrets that India is persistently ignoring this appeal and is taking measures which are bound to make a settlement of the dispute more difficult.

10. I shall be grateful if this letter is circulated as an official document of the Security Council.

(Signed) Mohammed YUNUS

*Acting Permanent Representative of
Pakistan to the United Nations*

DOCUMENT S/9152

Letter dated 11 April 1969 from the representative of the United Arab Republic to the President of the Security Council

[Original text: English]
[12 April 1969]

On instructions from my Government, I have the honour to bring to your attention a further act of aggression committed by the Israel occupying forces along the Suez Canal.

At 16.30 hours local time, the Israel forces opened tank fire at the United Arab Republic forces in Kantara with such intensity that our forces immediately returned fire. The firing was extended by the Israel forces to Ismailia.

The Israel shelling continued for about two hours until a cease-fire was arranged by the United Nations military observers at 18.30 hours local time.

Today's attack is added proof to what I have already stated in my previous letters about Israel's avowed aims of crippling civilian life and undermining normalcy in the area.

I have the honour to request that this letter be circulated as an official document of the Security Council.

(Signed) Mohamed Awad EL KONY
*Permanent Representative
of the United Arab Republic
to the United Nations*

DOCUMENT S/9153

Letter dated 11 April 1969 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[14 April 1969]

On the instructions of my Government and further to my letter of 1 April 1969 [S/9128], I have the honour to communicate the following, for the information of members of the Security Council.

During the night of 23/24 March 1969, at about 3 a.m., a military aircraft of the United States-South Viet-namese forces violated Cambodian air space

over the Daung region, commune of Romeas Hèk, province of Svay Rieng, and deliberately machine-gunned the village of Chea Theach, situated about 1,500 metres inside Cambodian territory.

This murderous attack caused the following losses among the inhabitants, who were celebrating a feast-day:

Three boys killed; they were the following:

VA-CHAN, eight years old;

NHEM-CHHIEN, six years old;

NHANH LY, twelve years old.

Nine persons wounded, six of whom are in serious condition.

The Royal Government of Cambodia has protested with the greatest indignation against this criminal attack by the United States-South Viet-Namese forces, sowing death and destruction among the peaceful Khmer frontier population. It has demanded that the Governments of the United States of America and the Republic of Viet-Nam should immediately put an end to such hostile acts and take the necessary measures to compensate the victims.

I should be grateful if you would arrange for this communication to be circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9155

Letter dated 13 April 1969 from the representative of the United Arab Republic to the President of the Security Council

[Original text: English]
[14 April 1969]

I have the honour to bring to your attention that the Israel occupying forces have again today continued their premeditated attacks in the Suez Canal sector.

At 11.05 hours local time, these forces opened fire on the Ismailia area. Our forces were compelled to return the fire. This exchange lasted for ten minutes, to be reopened once more by the Israel occupying forces at 12.40 hours local time, with intensity, against Ismailia and extended to the area north of that city.

A cease-fire was arranged by the United Nations military observers at 14.15 hours local time.

I wish to underline what I have repeatedly pointed out in my previous letters, namely, that the primary target of this Israel shelling is always the civilian population and installations.

I have the honour to request that this letter be circulated as an official document of the Security Council.

(Signed) Mohamed Awad EL KONY
Permanent Representative
of the United Arab Republic
to the United Nations

DOCUMENT S/9156

Letter dated 14 April 1969 from the representative of Israel to the President of the Security Council

[Original text: English]
[14 April 1969]

I have the honour to refer to my letter of 10 April 1969 [S/9147] and, on the instructions of my Government, bring to your urgent attention the fact that Egyptian aggression in the Suez Canal sector is con-

tinuing, in flagrant violation of the United Arab Republic's obligations under the cease-fire.

On 11, 12 and 13 April the United Arab Republic forces on the west bank of the Canal launched

DOCUMENT S/9160

Letter dated 17 April 1969 from the representative of Cambodia to the
President of the Security Council

[Original text: French]
[17 April 1969]

On instructions from my Government, I have the honour to transmit to you the text of the following note from the Royal Government of Cambodia concerning an article by Mr. Joseph Fried, a United States Press correspondent, on the presence of special United States military teams in Cambodia:

"Mr. Joseph Fried, a United States press correspondent, recently published in the newspaper *Daily News* an article which disclosed that 'the United States has been secretly slipping special military teams into Cambodia on a regular basis to keep tabs on widespread communist troop and supply movements. . . . The teams, whose main task is gathering intelligence data, are taken in and out of Cambodia by helicopter. So tightly controlled are these operations that a quota has been placed on the number which may be undertaken per month and each mission requires separate clearance from Washington. Strict guidelines also control the depth to which the patrols may penetrate the border and the areas in which they may operate'.

"The Royal Government of Cambodia notes that this report clearly proves that the United States has been deliberately violating the frontiers and territory of the Kingdom. These repeated infringements of the fundamental rights of a sovereign country and Member of the United Nations are clear violations of the Charter of the United Nations, which was signed by the United States of America.

"It is particularly significant that Mr. Melvin Laird, the Secretary of Defence, commented that the purpose of all these frontier crossings was to ensure the security of United States troops, thus opening the door to the invasion of any country by another country on the mere pretext of maintaining security. If this assertion of the fait accompli as a rule of international law should fail to provoke any reaction by the United Nations, there would be no reason for that organization even to exist.

"Accordingly, the Royal Government of Cambodia calls upon all States Members of the United Nations to recognize the gravity of the situation created by the United States in South-East Asia. If the United States Army is permitted to cross the frontiers of any independent country with impunity, international relations will soon be governed by military force. Under those circumstances, it will be possible for the independence of peaceful States to be violated at any time and on any pretext whatever by foreign armies enjoying the advantage of overwhelming superiority.

"The Royal Government still hopes that the United Nations will have the courage to take an unequivocal stand on the problem posed by the official armed intervention of the United States in Cambodia, i.e., on the question whether or not every country is required to observe the basic principles of the Charter and the rules of international law. The obvious lack of interest of the United Nations in the trend of events in South-East Asia and the developing United States aggression in that area represents an increasing threat to the maintenance of world peace and the future of mankind. Cambodia, which has always rejected the hegemony of blocs and defended the right of every nation to enjoy peace in conditions of complete independence, feels that the United Nations must play the role which it set for itself at the time of its founding by demanding, in the present instance, that the United States should immediately halt its military operations in Khmer territory."

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) Huot Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9161

Letter dated 17 April 1969 from the representative of Cambodia to the
President of the Security Council

[Original text: French]
[17 April 1969]

On instructions from my Government and further to my letter of 11 April 1969 [S/9153], I have the honour to communicate the following to you for the information of the members of the Security Council.

On 16 March 1969, at about 10 a.m., a Cambodian patrol came upon elements of the United States-South Viet-Nameese forces which had entered Cambodian territory in the village of Bao-Dung, commune of Bavet, district of Svay Teap, province of Svay Rieng.

Taken by surprise, the intruding elements opened fire on the Cambodian patrol, wounding Neang Prach

Suon, fifty-nine years of age, a local resident who happened to be near the scene of the clash. When the Khmer troops returned their fire, the intruders withdrew into the Republic of Viet-Nam.

On 17 March 1969, at about 4.30 p.m., a United States-South Viet-Nameese spotter aircraft, which was violating Cambodian air space, fired rockets at a drove of oxen belonging to the inhabitants of the Cambodian village of Samyong, district of Kompong Rau, province of Svay Rieng, killing eighteen oxen and wounding forty-one others.

During the night of 21/22 March 1969, at about midnight, elements of the United States-South Viet-Nameese forces raided the village of Sek Yom, situated approximately 3,500 metres inside Cambodian territory in the commune of Pong Tuk, district of Rumduol, province of Svay Rieng. They fired at the local inhabitants, killing instantly one named Var Ny, thirty-four years of age. The invaders then withdrew into the Republic of Viet-Nam, carrying off with them seven buffalo belonging to the inhabitants of the village.

On 25 March 1969, at about 3.30 p.m., United States-South Viet-Nameese elements from the post at Long Khot fired with machine-guns and mortars at Cambodian soldiers on patrol in the village of Bak-rong, which is situated approximately 500 metres inside Cambodian territory in the commune of Banteay Kraing, district of Kompong Rau, province of Svay Rieng. At the same time, the United States-South Viet-Nameese post at Thmar Dar directed artillery fire at the Khmer patrol in support of the elements mentioned above. This resulted in the serious wounding of Cor-

poral Keut Prom, who had to be evacuated to the Svay Rieng hospital.

The Royal Government of Cambodia has filed an indignant protest with the Governments of the United States of America and the Republic of Viet-Nam against these repeated violations of Khmer air space and territory, followed by deliberate shooting and raids, which have been committed by the United States-South Viet-Nameese forces. It has called upon the Governments of the United States of America and the Republic of Viet-Nam to undertake a thorough investigation, with a view to identifying and punishing the guilty persons, indemnifying the victims and putting an end to hostile acts of this nature.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9162*

Letter dated 17 April 1969 from the representative of Jordan to the Secretary-General

[Original text: English]
[17 April 1969]

Further to my letter of 21 March 1969 [S/9102], in which I informed you of the arbitrary measures taken by Israel in the occupied Arab territories, including the arrest of the Reverend Elia Khoury, Pastor of the Anglican Church in Ramallah, and Dr. Nabih Muammer, the Director and only surgeon of the Makasid Philanthropic hospital in Jerusalem, I have to inform you that yesterday, 16 April, after a period of more than a month and a half of imprisonment and torture, both the Reverend Khoury and Dr. Muammer were expelled by the Israel authorities to the East Bank of the Jordan.

This arbitrary measure is part of the Israel policy of expelling Arab personalities from the West Bank. The list of them includes doctors, clergymen, lawyers, mayors, teachers and professional men and women from all walks of life.

This measure is part of a policy designed to deprive the West Bank of its leaders and professional men and women as a means of pressure on the population in the whole of the occupied territories, in complete defiance of Security Council resolution 237 (1967) calling upon Israel "to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place".

May I request that this letter be circulated as an official document of the Security Council and General Assembly.

(Signed) Muhammad H. EL-FARRA
Permanent Representative of Jordan
to the United Nations

* Also circulated as a General Assembly document under the symbol A/7542.

DOCUMENT S/9163

Letter dated 18 April 1969 from the representative of the United States of America to the President of the Security Council concerning the Korean Question

[Original text: English]
[18 April 1969]

On the instructions of my Government, I wish to convey the following facts and views addressed by General Knapp, senior member for the United Nations

Command, to the representatives of North Korea at a meeting of the Military Armistice Commission at Panmunjon on 18 April 1969, concerning the wilful

purpose was to parallel and supplement the Egyptian campaign of warfare against Israel in the Suez Canal sector.

Confronted by these attacks, which were directed mainly against Israel villages and civil population in the Jordan Valley, Israel was forced to act in self-defence to silence the sources of fire and assaults by taking measures against saboteur centres, Jordanian and Iraqi military positions and two radar stations operated by United Arab Republic forces, whose role was described in *Al-Ahram* of 22 April 1969 as being to pose a danger to Israel.

Observance by Jordan and the United Arab Republic of the cease-fire would render such self-defence measures by Israel unnecessary.

I have the honour to request the circulation of this letter as a document of the Security Council.

(Signed) Shabtai ROSENNE
Deputy Permanent Representative of Israel
to the United Nations

DOCUMENT S/9181

Letter dated 29 April 1969 from the representative of Israel to the President of the Security Council

[Original text: English]
[29 April 1969]

On instructions from my Government, I have the honour to refer to the letter addressed to you by the Acting Permanent Representative of Iraq to the United Nations on 24 April 1969 [S/9175].

That letter continues to evade the facts. Central to the present situation in the area is the fact which has now existed for over two decades, that Iraq, together with the other Arab States, refuses to accept that relations between Members of the United Nations are to be governed first and foremost by reciprocal respect for the right of each to continue to exist in peace and security.

A recent example of the extremism of official Iraqi policy-makers towards Israel is to be seen in the statement of the President of Iraq in the Turkish newspaper *Milliyet* of 2 April 1969, that Iraq rejects the resolution of the Security Council of 22 November 1967 [242 (1967)] and will fight Israel, which "should definitely be annihilated".

Since this is its policy, and since Iraq, together with other Arab States, is persistent in its defiance of its primary obligations under the United Nations Charter, the Iraqi Government has no moral, legal or logical basis for tendering advice on how Israel should defend itself against Iraq's aggressive aims or those of any other Government sharing Iraq's aims. The Iraqi allegations and contentions must be read in the light of the policy of the Government of Iraq, of which the above-mentioned statement by Iraq's President is only the latest expression.

I have the honour to request circulation of this letter as a document of the Security Council.

(Signed) Shabtai ROSENNE
Deputy Permanent Representative of Israel
to the United Nations

DOCUMENT S/9182

Letter dated 29 April 1969 from the representative of Cambodia to the President of the Security Council

[Original text: English]
[29 April 1969]

On instructions from my Government and further to my letter of 17 April 1969 [S/9161], I have the honour to communicate the following to you for the information of the members of the Security Council.

On 6 March 1969, at about 10 p.m., a helicopter of the United States-South Viet-Nameese forces violated Cambodian air space over the commune of Prasath, district of Chantrea, province of Svay Rieng, and fired rockets at a place situated 1,700 metres inside Khmer territory, wounding a little girl named Aung Long Eang, eight years of age, and damaging five dwellings.

On 12 March, at about 7.15 a.m., two South Viet-Nameese motorized junks violated Cambodian territorial waters, penetrating them approximately 700 metres east of the island of Koh Ses, facing the municipality of Kep.

The two vessels withdrew after warnings from the Cambodian guards on the island.

On 13 March, at about 7 a.m., a booby-trap set by elements of the United States-South Viet-Nameese forces in Cambodian territory at a spot situated approximately 500 metres south of the post of the Pro-

vincial Guard at Sambok Moan, in the commune of Som, district of Preah Bat Chean Chum, province of Takeo, exploded and caused eighteen casualties among the inhabitants who were moving about the area. Five of the victims were women and thirteen were men.

On 14 March 1969, at about 2.30 p.m., two persons named Khim Phon and Khim Ren, eighteen and twenty-one years of age respectively, who were tending cattle and who lived in the commune of Cham, district of Kompong Trabek, province of Prey Veng, were killed when a booby-trap set by elements of the United States-South Viet-Namense forces exploded in a pasture situated approximately 200 metres from the frontier, inside Cambodian territory.

On 16 March, at about 4 p.m. four helicopters of the United States-South Viet-Namense forces violated Cambodian air space by overflying highway No. 13 and the chief town of Snuol, in the province of Kratie.

On 17 March, at about 6.45 a.m., another helicopter of the United States-South Viet-Namense forces violated Cambodian air space over the village of Phnom-Den, district of Preah Bat Chean Chum, province of Takeo, and machine-gunned the village, wounding a villager named Kong Iem, thirty-four years of age, and damaging a bicycle which belonged to a Cambodian soldier.

On 20 March, at about mid-day, approximately twenty soldiers of the United States-South Viet-Namense forces penetrated Khmer territory and carried off thirty-four oxen grazing at a spot situated roughly 500 metres inside Cambodian territory, in the commune of Prey Romdeng, district of Kirivong, province of Takeo. The oxen belonged to Cambodians living in the village of Chea Pdey.

On 21 March, at about 6.45 a.m., a Cambodian named Tith Chhith, thirty-eight years of age, living in the commune of Koh Sampeou, district of Peam Chor, province of Prey Veng, was seriously wounded when a mortar shell fired by the United States-South

Viet-Namense forces exploded over the commune at a spot situated approximately 200 metres inside the frontier.

On 24 March, at about 7.30 a.m., Khmer inhabitants of the village of Ta-Or, commune of Ta-Or, district of Kirivong, province of Takeo, while moving around the area caused the explosion of a booby-trap set by elements of the United States-South Viet-Namense forces at a spot situated approximately 100 metres inside Cambodian territory. The explosion killed one person and wounded five others.

On 26 March, at about 2.25 p.m., an aircraft of the United States-South Viet-Namense forces violated Cambodian air space over the village of Beng Chrong, commune of Choam, district of Mimot, province of Kompong Cham. At the same time, elements of the United States-South Viet-Namense forces at the Katum post directed artillery fire at Cambodian territory. The shells fell at Veal Beng Chrong, approximately 300 metres inside the frontier, killing instantly three buffalo and injuring two more.

The Royal Government of Cambodia has filed an energetic protest against these repeated violations of Cambodian air space, territorial waters and territory, followed by deliberate shooting, cattle-stealing and acts of terrorism, which have been committed by the United States-South Viet-Namense forces. It has called upon the Governments of the United States of America and the Republic of Viet-Nam to take appropriate steps to prevent any renewal of hostile acts of this nature, to seek out and punish the guilty persons and to indemnify the victims.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) Huot Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9183

Letter dated 29 April 1969 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[29 April 1969]

On instructions from my Government and further to my letter of 29 April 1969 [S/9182], I have the honour to communicate the following to you for the information of the members of the Security Council.

On 5 April 1969, at about 11.30 a.m., elements of the United States-South Viet-Namense Forces, estimated to be at battalion strength and supported by some fifteen M.113 armoured cars and some ten helicopters, entered Khmer territory as far as the villages of Kruos, Tanou and Chreas-Russey, in the commune of Chambak, district and province of Svay Rieng. They fired with automatic weapons on the Royal Police post at Krassaing Chrum. The Khmer provincial guards, who were fewer in number and who had less equipment, were obliged to withdraw temporarily and the intruders were able to enter the post and take away arms and ammunition.

On 6 April, at about 8 a.m., elements of the same forces again fired deliberately at the Cambodian villages of Tanou and Chreas-Russey mentioned above.

The loss and damage incurred in these two attacks is very high, namely: Two inhabitants killed, one of whom was a woman; Four others injured, including two

children; Two head of cattle injured; Five houses set on fire; One anti-tank gun, with 150 rounds of ammunition; One M.17 gun; 1,340 rounds of ammunition; Three boxes of anti-tank cartridge clips; Thirty-two 60 mm. mortar shells.

These arms and ammunition were carried off by the aggressors.

The Royal Government of Cambodia has filed an indignant protest at these deliberate acts of aggression against the Cambodian police post and villages, which were followed by acts of banditry committed by the United States-South Viet-Namense forces. It has called upon the Governments of the United States of America and the Republic of Viet-Nam to take immediate steps to seek out and punish the guilty persons, to return the arms and ammunition, to indemnify the victims and to put an end to hostile acts of this nature.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) Huot Sambath
Permanent Representative of Cambodia
to the United Nations

with all its might to safeguard the effects and the results of colonialism of which this Treaty is a specimen?

"Furthermore, in accordance with the established canons of international law, one of the important principles in concluding any agreement is the equality of rights of the two contracting parties. The question is whether the principle of equality of rights has been observed in the case of Shatt-el-Arab.

"If this principle of equality was observed, how is it that the Talweg line, or the median line principle, always recognized as the frontier line where a large river is the common frontier of two countries, has not been adhered to and that, except for two sections of the river, the whole of Shatt-el-Arab has been ceded to Iraq?

"It is reported that a responsible Iraqi authority had said that in the Treaty of 1937, Iraq made a gift to Iran of a section of Shatt-el-Arab, i.e. the base or median lines in front of Abadan and Khoramshahr! This assertion is absolutely without foundation. The truth is just the opposite, for, during the whole period when the Ottoman Empire was Iran's neighbour in this area, there was no assertion in any

of the treaties, collectively called the Erzerum Treaty, of Ottoman sovereignty and the fixing of the frontier line between Iran and the Ottoman Empire in Shatt-el-Arab. According to the available documents, the practice adopted by Iran and the Ottoman Government from the beginning of navigation in Shatt-el-Arab and perhaps from a much earlier time had been to exercise jointly the right of sovereignty over the Shatt-el-Arab up to a point where both shores of the river came within Ottoman territory."

The Government of Iran remains ready, as in the past, to settle the matter by friendly negotiations. These negotiations must be based on the general practice of international law with regard to frontier rivers. As neighbours with a common vital interest in the peace of the region, its development and prosperity, Iran and Iraq will have to treat with each other in a forward-looking spirit of reciprocity, equity and mutual respect for their sovereign rights.

I request that this letter be circulated as a document of the Security Council.

(Signed) Mehdi VAKIL
Permanent Representative
of Iran to the United Nations

DOCUMENT S/9192

Letter dated 5 May 1969 from the representative of Iraq to the President of the Security Council

[Original text: English]
[6 May 1969]

On instructions from my Government I have the honour to refer to document S/9181, containing the letter addressed to you by the Israel Deputy Permanent Representative on 29 April 1969.

There is nothing new in the Israel representative's letter that merits a reply. In fact, he only reiterates standard unfounded allegations and reproduces quotations already contained in previous correspondence [S/9145].

The position of my Government was clearly stated in my letter to you of 1 April 1969 [S/9125]. My Government cannot overlook the focal point in the present situation in the area, which is the continued Israel occupation of territories of three Arab Member States, and the systematic acts of annexation of occupied territories. This situation came about as a result of the Israel aggression in June 1967 in flagrant violation of the principles of the United Nations Charter, but decidedly in implementation of Israel's designs for expansion which it has been carrying out for more than twenty years. An aggressor whose troops are still occupying large territories of United Nations Member States has no moral, legal or logical basis for tendering advice to Iraq or any other State on how it should defend itself against the aggressor, or how it should fulfil its national and international commitments undertaken in full conformity with the provisions of the United Nations Charter.

I have the honour to request that this letter be circulated as an official document of the Security Council.

(Signed) Adnan RAOUF
Acting Permanent Representative
of Iraq to the United Nations

DOCUMENT S/9193

Letter dated 5 May 1969 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[6 May 1969]

On instructions from my Government and further to my letter of 29 April 1969 [S/9183], I have the honour to communicate the following to you for the information of the members of the Security Council.

On 28 April 1969 at about 9.30 a.m., an aircraft and two helicopters of the United States-South Vietnamese forces violated Cambodian air space and repeatedly overflow the Royal Police post at Loboeuk

in the commune of Thnot, district of Kompong Rau, province of Svay Rieng. Elements of the Royal Police attached to the post fired on these aircraft and two helicopters were shot down, falling two kilometres south of the post and approximately two kilometres from the frontier, inside Cambodian territory. One helicopter caught fire on the ground.

Immediately after the helicopters fell, several aircraft and helicopters of the United States-South Viet-Nameese forces intervened, again violating Cambodian air space, to rescue the pilots, crews and other occupants of the downed helicopters. The remnants of the downed craft are still at the site of the incident.

Elements of the United States-South Viet-Nameese forces have fortified their positions near the frontier across from this site.

In bringing the above facts to the knowledge of the members of the Security Council, the Royal Government of Cambodia strongly and indignantly denounces the disgraceful tactics employed by the United States-South Viet-Nameese military and by certain United States newspapers which represent Cambodian posts and troops as foreign encampments and foreign troops in Cambodian territory in order to justify aggression and bombing against Cambodia.

I should be grateful if you would have the text of this letter circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9194*

Letter dated 7 May 1969 from the representative of Israel to the President of the Security Council

[Original text: English]
[7 May 1969]

On instructions from my Government, I have the honour to make the following comments on the letter of the Permanent Representative of the United Arab Republic to the United Nations dated 25 April 1969 [S/9178] and to the telegram dated 30 April 1969 from the Minister for Foreign Affairs of the United Arab Republic addressed to the President of the Security Council [S/9186].

These communications contain familiar propaganda versions of the twenty-one years of Arab war on Israel, and distort the United Nations records and resolutions.

While paying lip service to the Security Council resolution of 22 November 1967 [242 (1967)], the United Arab Republic misinterprets its letter and spirit. The United Arab Republic refuses to promote agreement with Israel on a just and lasting peace including secure and recognized boundaries, as called for in that resolution; and it actually supports Arab Governments and organizations which openly fight the resolution. United Arab Republic policy continues to be governed, as reiterated recently by President Nasser, by the decision of the Khartoum Conference,¹⁶ namely: "No peace, no negotiation, no recognition".

The United Arab Republic policy of undermining the cease-fire by word and deed was described in my letters to the President of the Security Council of 8, 9, 10, 14 and 21 April [S/9140, S/9144, S/9147, S/9156, S/9172]. The facts, as established in the reports of Lt. General Odd Bull and as published in the Press, leave no doubt that the contents of the United

Arab Republic communications referred to are false and hypocritical.

This is illustrated, for example, by the attempts of the United Arab Republic to absolve itself from responsibility for the repeated attacks on United Nations military observers and their installations in the Suez Canal area and to accuse Israel of such conduct. As is fully borne out in the latest series of reports of General Bull and in the report of the Secretary-General of 2 May 1969 [S/9188], it is clear that Israel endeavours to reduce to the absolute minimum any risk to the observers, while, on the other hand, the United Arab Republic forces have initiated gross military assaults on United Nations military observers.

The United Arab Republic campaign against the cease-fire is an aspect of its proclaimed doctrine of offensive military action against Israel. This policy was clearly expressed in a speech delivered by President Nasser on 1 May 1969. He stated that the constant exchange of fire along the Suez Canal and raids into Israel-held territory had been initiated by the United Arab Republic as part of a general planned operation. He promised that the United Arab Republic forces would continue their attacks and preparations to achieve a military solution.

Confronted with Egyptian aggression, Israel is forced to take measures of self-defence. Israel is committed to the observation of the cease-fire on a reciprocal basis.

I have the honour to request circulation of this letter as a document of the Security Council.

(Signed) Yosef TEKOAH
Permanent Representative of Israel
to the United Nations

DOCUMENT S/9195

Letter dated 5 May 1969 from the representative of Finland to the Secretary-General

[Original text: English]
[8 May 1969]

With reference to your letter dated 8 January 1969 [S/8964], in which you appealed for voluntary contributions to provide the necessary financial support for the United Nations Peace-keeping Operation in Cyprus, I have the honour

* Incorporating document S/9194/Corr.1 of 8 May 1969.

¹⁶ Arab Summit Conference held at Khartoum from 29 August to 1 September 1967.

Article 5
OCCUPATION

1. Any High Contracting Party in occupation of the whole or part of the territory of another High Contracting Party shall as far as possible support the competent national authorities of the occupied country in safeguarding and preserving its cultural property.

2. Should it prove necessary to take measures to preserve cultural property situated in occupied territory and damaged by military operations, and should the competent national authorities be unable to take such measures, the Occupying Power shall, as far as possible, and in close co-operation with such authorities, take the most necessary measures of preservation.

3. Any High Contracting Party whose Government is considered their legitimate Government by members of a resistance movement, shall if possible, draw their attention to

the obligation to comply with those provisions of the Convention dealing with respect for cultural property.

ANNEX II

Recommendation adopted by the General Conference of UNESCO held at New Delhi, in December 1956

VI. EXCAVATIONS IN OCCUPIED TERRITORY

32. In the event of armed conflict, any Member State occupying the territory of another State should refrain from carrying out archaeological excavations in the occupied territory. In the event of chance finds being made, particularly during military works, the occupying Power should take all possible measures to protect these finds, which should be handed over, on the termination of hostilities, to the competent authorities of the territory previously occupied together with all documentation relating thereto.

DOCUMENT S/9221

Letter dated 24 May 1969 from the representative of Israel to the President of the Security Council

[Original text: English]
[25 May 1969]

On instructions from my Government, I have the honour to bring to your attention the fact that armed attacks against civilians, carried out from Jordan in violation of the cease-fire, are continuing.

Today, 24 May 1969, at approximately 1300 hours local time, fire was opened from Jordan territory on the Ethiopian monastery at Kaser-el-Yahud, south of the Allenby Bridge. The attack took place as the funeral of an Ethiopian monk was being held at the monastery. The Consul of Ethiopia in Jerusalem participated in the funeral procession. A vehicle of the Israel Defence Forces, sent to rescue the participants in the funeral procession, was also attacked. The ensuing exchange of fire continued for nearly two hours.

Yesterday, 23 May 1969, at 0430 hours local time, the Israel village of Ein Hanatziv in the Beit Shean Valley was shelled from Jordan. An hour later, an Israel patrol near Beit Yosef, in the same area, came under Jordanian fire. One Israel soldier was seriously wounded.

As has been brought to the attention of the President of the Security Council in my previous letters, regular and irregular forces operating from Jordanian territory have, in recent months, intensified their attacks against Israel. These acts of aggression by shelling, armed raids and sabotage have been directed primarily against civilians. The Israel Defence Forces have been compelled time and again to take action in self-defence to foil these assaults.

Saboteur camps and training bases operate openly in Jordan, where terror organizations enjoy the sanction and aid of the Jordanian authorities, and Jordanian regular forces collaborate with them in deliberate breaches of the cease-fire. Lately this collaboration has increased, and Jordanian armed forces regularly pro-

vide covering fire for saboteur units operating against Israel.

Between 11 May and 17 May 1969 there were fifty-seven attacks from Jordan against Israel.

On the night of 17 May 1969, irregular units from Jordan attacked positions of the Israel Defence Forces in the Central Jordan Valley. Nearby Jordanian army posts preceded the attack with an all day artillery barrage and accompanied it with supporting fire.

On 19 May, Jordanian forces attacked Israel patrols in the area between the Dead Sea and Allenby Bridge. On the same night, the potash plant on the Dead Sea, near Sodom, was the target of a Katysha rocket attack from Jordan.

On 20 May, the copper mines of Timna, north of Eilat, were shelled from Jordan.

The campaign of aggression from Jordan against Israel is pursued openly. The incessant acts of violence are publicized and glamorized through Arab information media and are extensively reported in the world Press. This warfare leaves no doubt whatever concerning Jordan's attitude toward the cease-fire, which must be maintained on the basis of strict reciprocity. It also leaves no room for Jordanian complaints about Israel's defensive measures, complaints which are generally based on distortion and misinterpretation, as in the letters from the Permanent Representative of Jordan to the United Nations addressed to the Secretary-General on 16 May 1969 [S/9211] and to the President of the Security Council on 22 May 1969 [S/9218].

I have the honour to request the circulation of this letter as a document of the Security Council.

(Signed) Yosef ТЕКОАВ
Permanent Representative of Israel
to the United Nations

DOCUMENT S/9224

Letter dated 26 May 1969 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[26 May 1969]

On instructions from my Government and further to my letter of 5 May 1969 [S/9193], I have the honour to communicate to you, for the information of the members of the Security Council, the following.

From 18 April to 2 May 1969, aircraft of the United States-South Viet-Nameese air forces continually scattered defoliants every two days over a vast area of Cambodia stretching along the Khmer-Viet-Nameese frontier and extending to a depth of twenty kilometres from the frontier, in the districts of Krek and Mimot, province of Kompong Cham. These defoliants caused great havoc to rubber plantations, to orchards and to the forest. The damage surveyed up to 2 May 1969 amounts to 7,000 hectares of rubber plantations destroyed, of which 4,500 hectares are owned by the large companies (mostly French) and 2,500 hectares are indigenous family plantations. Five thousand jack-trees were killed and a vast wooded region was seriously damaged. The losses are extensive and seriously affect the national economy of the Kingdom.

The Royal Government has, with deep indignation, protested to the Governments of the United States of America and the Republic of Viet-Nam against these acts of unspeakable destruction committed by aircraft of the United States-South Viet-Nameese forces against Cambodia's plantations, crops and forest resources. It demands that the Governments of the United States of America and the Republic of Viet-Nam should take immediate steps to end this scattering of defoliants and to make good the damage caused to the property and resources of Cambodia.

I should be obliged if you would have the text of this communication circulated as a Security Council document.

(Signed) Huot Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9225*

Letter dated 26 May 1969 from the representative of Jordan to the Secretary-General

[Original text: English]
[26 May 1969]

Upon instructions from my Government, and further to my letter of 8 May 1969 [S/9197] concerning Israel violations of human rights in the Arab occupied territories, I have the honour to refer to the letter addressed to you by the Permanent Representative of Israel to the United Nations on 14 May 1969 [S/9208].

The Israel letter is typical in rejecting facts by simply alleging their falsehood. The annexes to my above-mentioned letter clearly showed cases of arbitrary arrests, imprisonments and demolition of the houses of those arrested on mere suspicion. Many Israel papers reported these and other incidents.

The arbitrary imprisonment of the three sisters—Randa Nabulsi, Hiba Nabulsi and Saada Nabulsi—and the demolishing of their house were reported in the Israel paper *Haolam Hazeh* of 8 April 1969.

Uri Avneri, a member of the Israel Parliament, reports in the same issue of *Haolam Hazeh* that about 500 men and women of the city of Nablus alone have been detained in Israel prisons, some for six months and others for more than a year, without a trial. He expresses the fear that the fate of Kasim Abu Akar Al Tamimi, who was tortured to death in Israel prisons, may befall some others in Israel prisons.

Mr. Avneri also reports that twenty-five houses in Nablus were demolished. He points out that the Israel occupying forces limited themselves at the beginning to

the demolition of houses in which weapons were found. Later on, houses of many suspects were dynamited before the trial of the suspects.

In its issue of 30 March 1969, *Al-Kuds*, a newspaper published in occupied Jerusalem, reported that a protest was sent by Ilias Bandack, the Mayor of Bethlehem, to the Israel Defense Minister, copies of which were sent to the General Military Governor and to the Military Governor of the area, against the arbitrary destruction of houses of innocent people.

According to the Israel paper *Yediot Aharanot* of 21 March 1969, on 20 March the Israel police dynamited the house of the parents of Miss Aida Said, an eighteen-year-old student, located in Gaza. On 14 April 1969, the Israel paper *Haaretz* reported that the Israel Military Court in Gaza had sentenced her to twenty years' imprisonment.

Michael Adams, in a letter published in *The Guardian* of 26 January 1968, concluded: "I had my ups and downs during four years as a prisoner of war in Germany, but the Germans never treated me as harshly as the Israelis are treating the Arabs of the Gaza Strip, the majority of whom are women and children."

I have the honour to request that this letter be circulated as an official document of the General Assembly and of the Security Council.

(Signed) Muhammad H. EL-FARRA
Permanent Representative
of Jordan to the United Nations

* Also circulated as a General Assembly document under the symbol A/7559.

DOCUMENT S/9226

Letter dated 27 May 1969 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[28 May 1969]

On instructions from my Government and further to my letter of 26 May 1969, [S/9224] I have the honour to communicate the following to you for the information of the members of the Security Council.

On 23 April 1969, at about 8.30 a.m., elements of the United States-South Viet-Nameese forces from the post at Tan Thanh directed artillery fire at Cambodian territory. Five shells fell in the Svay-A-Ngong area, district of Kompong Trabek, province of Prey Veng.

On the same day, at about 10 a.m., a group of United States-South Viet-Nameese soldiers entered the village of Rong, district of Kompong Trabek, province of Prey Veng. The soldiers carried off to South Viet-Nam three buffaloes belonging to the local inhabitants.

Later that day, at about 11 a.m., elements of the United States-South Viet-Nameese forces from the post at Cai Vang directed artillery fire at Khmer territory. Ten shells fell in the Svay-A-Ngong area.

On 24 April 1969, from 1.45 to 6.30 a.m., elements of the United States-South Viet-Nameese forces from the post at Cai Vang directed artillery fire at Cambodian territory. A number of shells fell in the Svay-A-Ngong area, district of Kompong Trabek, province of Prey Veng. The shells seriously wounded two Cambodians, Neang Sok Kan, aged sixteen, and Sok Uth,

aged nine, and slightly wounded Neang Sek Sim, aged forty-six.

On 25 April 1969, at about 7.30 p.m., United States-South Viet-Nameese soldiers from the same post again directed artillery fire at Khmer territory. A number of shells fell in the same area, Svay-A-Ngong, and in the village of Cham, commune of Cheang Dek, district of Kompong Trabek, province of Prey Veng. The shells caused the death of two persons, Uk Din and his son Uk Kong, aged seven seriously wounded a woman, Neang Khlork Ang, killed three oxen and wounded three oxen.

The Royal Government of Cambodia has filed a vigorous protest against this violation of Khmer territory and this hostile fire by elements of the United States-South Viet-Nameese forces. It has called upon the Governments of the United States of America and the Republic of Viet-Nam to take appropriate measures to prevent a recurrence of such hostile acts and to indemnify the victims.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9227

Letter dated 28 May 1969 from the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples addressed to the President of the Security Council transmitting the text of a consensus on the question of Namibia

[Original text: English and French]
[28 May 1969]

I have the honour to communicate to you herewith the text of a consensus on the question of Namibia, which was adopted by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples at its 692nd meeting, held on 22 May 1969 at Dar es Salaam, United Republic of Tanzania, and to request you to be good enough to bring it to the attention of the members of the Security Council.

(Signed) MAHMOUD MESTIRI
Chairman of the Special Committee on the Situation
with regard to the Implementation of the Declaration
on the Granting of Independence to Colonial Countries
and Peoples

[For the text of the consensus, see Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 23, chapter VII, para. 29.]

DOCUMENT S/9228*

Letter dated 28 May 1969 from the representative of Israel to the Secretary-General

[Original text: English]
[29 May 1969]

On instructions from my Government, I have the honour to refer to my letter addressed to you on

* Also circulated as a General Assembly document under the symbol A/7560.

21 May 1969 [S/9217] and to bring to your attention that the orphanage of the Arab Development Society, its school and farm near Jericho were again the target of heavy shelling from Jordan on 26 May 1969.

DOCUMENT S/9235

Letter dated 3 June 1969 from the representative of Cambodia to the
President of the Security Council

[Original text: French]
[4 June 1969]

On instructions from my Government and further to my letter of 3 June 1969 [S/9234], I have the honour to communicate the following to you, for the information of the members of the Security Council.

On 9 April 1969, at about 1.40 p.m., a platoon of Khmer soldiers patrolling in the region of O Chreou in the province of Battambang set off a mine hidden by members of the Thai forces at a spot situated at TV.382.832. The explosion of the mine killed one Cambodian, Private Chies Chuon, on the spot, seriously wounded Privates Man Yoeun, Mey Nguon, Hem Din, and slightly wounded Private 2nd class Chuon Chin.

The Royal Government of Cambodia has lodged a vigorous protest with the Royal Government of Thailand concerning the laying of mines in Cambodian territory by members of the Thai armed forces, which brings death and injury to members of the Cambodian defence forces. It has called upon the Royal Government of Thailand to take steps, as a matter of urgency, to prevent the recurrence of such hostile acts and to pay compensation to the victims and their families.

I should be obliged if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9236

Letter dated 3 June 1969 from the representative of Cambodia to the
President of the Security Council

[Original text: French]
[4 June 1969]

On instructions from my Government and further to my letter of 27 May 1969 [S/9226], I have the honour to communicate to you, for the information of the members of the Security Council, the following.

On 20 April 1969, at about 3 p.m., nine helicopters of the United States-South Viet-Nameese air forces landed the members of a commando on the Khmer-Viet-Nameese frontier. These commandos, after entering Khmer territory, arrested sixteen Cambodian villagers who were fishing in the commune of Khset, district of Kompong Rau, province of Svay Rieng, and took them to Go-Bac-Chien (Kieng Tuong). These villagers were not released until the following day, after lengthy questioning followed by physical torture.

On 22 April 1969, at about 5 a.m., a group of United States-South Viet-Nameese soldiers from the Vinh Bien post in Chaudoc violated Cambodian territory and opened fire with automatic weapons on the provincial guards patrolling some 1,500 metres inside the frontier, in the commune of Prey Yuthkar, district of Preah Bat Chean Chum, province of Takeo. After an exchange of fire lasting about a quarter of an hour, the aggressors withdrew into South Viet-Nam.

The Royal Government of Cambodia has strongly protested against the repeated violations of Khmer territory, followed by the arrest of sixteen Khmer villagers and the deliberate opening of fire on the provincial guards, committed by members of the United States-South Viet-Nameese forces. It has demanded that the Governments of the United States of America and the Republic of Viet-Nam should take appropriate steps to prevent the recurrence of such hostile acts, for which they bear full responsibility.

I should be obliged if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

frontier, in the commune of Channaum, district of Sisophon, province of Battambang. The explosion of the mine killed one Cambodian soldier, Private 1st class Mou Ung, instantly.

On 11 April 1969, at about midnight, a gang of Thai hooligans burst into the village of Pel, attached to the commune of Thkau, district of Angkor-Chum, province of Oddor Meanchey, and looted the property of the inhabitants. When they withdrew, the hooligans forcibly took away with them Nhuong Chroch and his family, so as to use them as a protection and prevent pursuit by the Cambodian authorities. The victims were only released after the frontier with Thailand had been crossed.

On 23 April 1969, at about 1900 hours, a Thai fishing junk violated the territorial waters of Cambodia, penetrating up to about 700 metres to the south of the island of Polowai. After warning shots from the

Cambodian coastguards of the island, the Thai vessel withdrew towards the open sea.

The Royal Government of Cambodia has made a vehement protest to the Royal Government of Thailand against the violations of Cambodian territory and territorial waters, the laying of mines in frontier areas and the acts of looting committed by Thai elements. It has called upon the Government of Thailand to take adequate steps to prevent the recurrence of such reprehensible acts and to pay compensation to the victims.

I should be obliged if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9219

Letter dated 10 June 1969 from the representative of Cambodia to the
President of the Security Council

[Original text: French]
[11 June 1969]

On instruction from my Government and further to my letter of 3 June 1969 [S/9236], I have the honour to communicate to you, for the information of the members of the Security Council, the following.

On 25 March 1969, at about 9.35 a.m., a Cambodian patrol surprised a group of United States-South Viet-Nameese military personnel on Khmer territory at a place approximately 800 metres from the Khmer-South Viet-Nameese frontier in the commune of Bavet, district of Svay Teap, province of Svay Rieng. The intruders fired on elements of the Cambodian patrol, which was forced to return the fire. They subsequently withdrew to South Viet-Nameese territory.

On 26 March 1969, at about 1 p.m., an inhabitant named Prak Saren from the village of Veal Maam was wounded by the explosion of a mine laid by elements of the United States-South Viet-Nameese forces approximately 300 metres inside Cambodian territory.

On the same day, at about 2 p.m., an aircraft of the United States-South Viet-Nameese air forces violated Cambodian air space and fired rockets on a herd of oxen grazing at a place 500 metres on our side of the frontier and belonging to the commune of Kruos, district of Svay Rieng, province of Svay Rieng. The shots killed two oxen.

On 28 March 1969, at about 4.30 p.m., two helicopters of the United States South Viet-Nameese forces violated Cambodian air space and dropped a hand grenade on a herd of oxen grazing at a place approximately 200 metres on our side of the frontier and belonging to the commune of Prek Kruos, district of Kompong Trach, province of Kampot. The exploding grenade wounded three cows and a calf belonging to the local inhabitants.

On 30 March 1969, at about 3 p.m., elements of the United States-South Viet-Nameese forces based in South Viet-Nam opened mortar fire on the commune of Thnot, district of Kompong Rau, province of Svay

Rieng. The exploding shells seriously wounded three local inhabitants.

On 31 March 1969, at about 4.30 p.m., an aircraft of the United States-South Viet-Nameese forces violated Cambodian air space. It fired rockets at a herd of oxen belonging to Khmer inhabitants of Kompong Chamlang, district of Svay Rieng, province of Svay Rieng. The shooting killed two oxen.

On 5 April 1969, at about 8.30 a.m., an aircraft of the United States-South Viet-Nameese forces violated Cambodian air space to a depth of approximately 15 kilometres, about 30 kilometres east of the district of Snuol, province of Kratie.

On the same day, at about noon, two helicopters of the United States-South Viet-Nameese forces flew into the same area and landed a group of commandos on Cambodian territory. A Cambodian patrol stationed at the time near the landing point was kept under heavy fire by these helicopters and was forced to return the fire. One of the helicopters caught fire and the other took off in the direction of South Viet-Nam. A moment later, four other helicopters flew in as reinforcements to evacuate the commandos who had been landed and the crew members of the damaged helicopter, the wreckage of which was retrieved by the Cambodian authorities to be used as evidence and exhibits testifying to the flagrant violation of Cambodian territory by United States-South Viet-Nameese forces.

On 6 April 1969, from 3 a.m. to 6 a.m., aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and machine-gunned the village of Thmey, situated approximately 2,500 metres on our side of the frontier and belonging to the commune of Prasath, district of Svay Teap, province of Svay Rieng. The gunfire wounded two villagers called Khlocung-Suon and Prum Long.

On 8 April 1969, at about 11 a.m., elements of the United States-South Viet-Nameese forces from the post of Ben Cau shelled Cambodian territory at a place

approximately 300 metres on our side of the frontier, in the commune of Srak Motes, district of Svay Teap, province of Svay Rieng.

On the same day, at about 5 p.m., United States-South Viet-Nameese elements of the same post fired again on Cambodian territory. Several shells fell approximately 500 metres from the frontier, in the commune of Kokisom, district of Rumduol, province of Svay Rieng.

On 9 April 1969, at about 8.30 a.m., helicopters of the United States-South Viet-Nameese forces violated Khmer air space and fired rockets on a place approximately 300 metres from the frontier in the commune of Cham, district of Peam Chor, province of Prey Veng.

On the same day, at about 1.15 p.m., helicopters of the United States-South Viet-Nameese forces landed military personnel along the frontier opposite the Cambodian village of Kraing Leav. These troops directed mortar fire on the said Cambodian village belonging to the commune of Cham, district of Peam Chor, province of Prey Veng.

On 10 April 1969, at about 3.30 p.m., a helicopter of the United States-South Viet-Nameese forces violated Cambodian air space and fired rockets on the area of Trapeang Kruos belonging to the commune of Ampil, district of Romeas Hek, province of Svay Rieng.

On 11 April 1969, at about 8 p.m., approximately twenty members of the United States-South Viet-Nameese forces entered Cambodian territory and robbed Peou Saphal, an inhabitant of the village of Chong Samreth, belonging to the commune of Baty, district of Chantrea, province of Svay Rieng. Their deed done, these intruders withdrew into South Viet-Nam, taking with them clothing and the sum of two thousand riels belonging to this villager.

On the same day, at about 3 p.m., an aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and fired rockets on a place approximately 1,300 metres on our side of the frontier in the commune of Banteay Chakrey, district of Kompong Trabek, province of Prey Veng.

On 13 April 1969, at about 8 a.m., an aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and fired rockets on a

place approximately 2,500 metres inside Khmer territory belonging to Peam Montea. The exploding shells wounded an ox belonging to Prak Inn, a local inhabitant.

On the same day, at about 10 p.m., elements of the United States-South Viet-Nameese forces at the post of Kinh Thay Bang fired several shells into Cambodian territory at a place approximately 200 metres east of a Cambodian post of the provincial guard of the commune of Sampeou Poun, district of Koh Thom, province of Kandal. A villager's house was seriously damaged and a bicycle was destroyed.

On 14 April 1969, at about 5 p.m., elements of the United States-South Viet-Nameese forces fired six shells into Cambodian territory. The explosion seriously wounded a buffalo in the commune of ROUNG, district of Mimot (Kompong Cham).

On 15 April 1969, at about 3 p.m., an aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and fired rockets at a herd of oxen belonging to the Khmer inhabitants of Bassac, district of Svay Rieng, province of Svay Rieng. Eleven oxen were killed outright.

On the same day, from 2 a.m. until 7.15 a.m., elements of the United States-South Viet-Nameese forces of the post of Vinh Dien and Cai Vang shelled Cambodian territory. Shells fell approximately 300 metres on our side of the frontier in the area of Banteay Chakrey, about ten of them inside the Khmer military post of Angkor-Ang in the district of Kompong Trabek (Prey Veng), damaging five boats belonging to the local inhabitants.

The Royal Government of Cambodia has protested against the deliberate violations of Khmer territory and air space and the repeated hostile acts committed by the United States-South Viet-Nameese forces. It has demanded that the Governments of the United States of America and the Republic of Viet-Nam should take appropriate steps to put a stop to these acts of provocation and to indemnify the victims.

I should be obliged if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9250

Letter dated 10 June 1969 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[11 June 1969]

On instructions from my Government and further to my letter of 10 June 1969 [S/9249], I have the honour to inform you that, at noon on 23 May 1969 helicopters of the United States-South Viet-Nameese forces violated Khmer air space and machine-gunned the villages of Opet Oret and Buraing, province of Mondulkiri, killing five persons—a man, three women and a young girl—on the spot, and wounding six others—three men and three children. Seventeen pigs and fifteen chickens were killed, twenty earthenware jars were broken and a set of gongs damaged, two houses were burned and a tractor was damaged.

I should be obliged if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9251

Letter dated 12 June 1969 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[12 June 1969]

On instructions from my Government and further to my letter of 10 June 1969 [S/9250], I have the honour to inform you of the following, for the information of the members of the Security Council.

On 25 May 1969, a commando group transported by helicopters of the United States-South Viet-Nameese forces landed in Cambodian territory and opened fire on the inhabitants of the village of Lao Romiet, district of Pech Chanda, province of Mondulkiri, which is ten kilometres inside Khmer territory, killing two of them.

I should be obliged if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENTS S/9252 AND ADD.1*

Second report of the Committee established in pursuance
of Security Council resolution 253 (1968) of 29 May 1968

DOCUMENT S/9252

LETTER OF TRANSMITTAL

[Original text: English, French, Russian
and Spanish]
[12 June 1969]

12 June 1969

I have the honour to transmit herewith the second report of the Committee established in pursuance of Security Council resolution 253 (1968) of 29 May 1968.

(Signed) NIKOLAI K. TARASSOV
Chairman of the Committee
established in pursuance
of Security Council
resolution 253 (1968)

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His Excellency
Mr. M. Solano Lopez
President of the Security Council
United Nations
New York

REPORT

I. Introduction

1. This, the second report of the Committee established in pursuance of Security Council resolution 253 (1968) adopted on 29 May 1968, relating to Southern Rhodesia, covers the work of the Committee since the submission of its first report dated 30 December 1968 [S/8954].

2. On the expiry of India's term as a member of the Security Council on 31 December 1968 and following consultations with the members of the Council, the President of the Security Council announced on 27 January 1969 that Pakistan would replace India as a member of the Committee.³⁶ Accordingly, as of January 1969, the Committee was composed of the following members: Algeria, France, Pakistan, Paraguay, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

* Document S/9252/Add.1, dated 13 June 1969, forms annexes I to XI of the present report.

³⁶ Official Records of the Security Council, Twenty-fourth year, supplement for January, February and March 1969, document S/8697/Add.1.

Future commercial policy, for example, will have to take this universal objective into account, for there can be no question of reverting to the fierce competition for consumer markets, and the principles of liberty must be harmonized with the right of the young nations to share in commercial activities when they gain access to more highly perfected methods of industrial technique, and obtain for their raw materials and foodstuffs, prices which bear a fair proportion to those which the manufacturing nations receive for their own products.

"The social and economic work of the United Nations cannot be, and will not be, a mere return to the past. We are setting out from a new starting point and moving towards an entirely new goal. The old mechanism of international economic relations cannot be re-established without embodying a more generous and universal concept of economic progress."⁴⁶

I further stated:

"Everywhere the idea has arisen that the essential unity of the world economic system ought to have as its counterpart world organizations dealing with this economic system as an indivisible whole. . . . We are beginning to progress from the isolated conception of national economies to the more realistic and just basis of a universal economy which has to be stimulated as a whole, which ought to develop harmoniously, and in which the principles of solid-

⁴⁶ See *Official Records of the General Assembly, First part of first session, Plenary Meetings, 10th meeting.*

arity, equality and welfare can find more complete satisfaction than they have in the past."⁴⁷

It has been a great honour to have been permitted to address the members of the Council today and to add one more voice to those that call on the United Nations to achieve its goals of peace and human welfare. My country, at present a member of the Security Council, offers its full co-operation in the difficult and delicate tasks that are part of the Council's work. We have always co-operated and have always adhered to the noble ideals of this Organization. The attitude of Colombia commands my personal adherence, and I would add, modestly but enthusiastically, that I too co-operated in the initial steps of the United Nations and later on in much of the work done under the aegis of this Organization. May this assurance help the Council to accept the remarks that I have made and that you have been patient and kind enough to listen to.

The President (interpretation from Spanish): On behalf of the Security Council and its members I thank Mr. Carlos Lleras Restrepo, President of the Republic of Colombia, for the important statement that he has just made.

With the agreement of the members of the Council, I would request the Secretary-General to have the verbatim record of this meeting circulated as a Security Council document.

The meeting rose at 1.15 p.m.

⁴⁷ *Ibid.*, pp. 149-150.

DOCUMENT S/9263

Letter dated 17 June 1969 from the representative of Cambodia to the President of the Security Council

[Original text: French]
[18 June 1969]

On instructions from my Government and further to my letter of 26 May 1969 [S/9224], I have the honour to communicate to you, for the information of the members of the Security Council, the following particulars of damage inflicted on plantations, crops and forest resources of Cambodia as a result of the dropping of defoliants by aircraft of the United States Air Force between 19 April and 12 May 1969.

These defoliants, which were dropped on several occasions between 19 April and 12 May 1969 by aircraft of the United States Air Force in South Vietnam over an area of approximately 85,000 hectares in the districts of Mimot and Ponhea Krèk, province of Kompong Cham, caused great damage to rubber plantations and other Cambodian crops. This practice, frequently repeated despite the protests of the Royal Government, constitutes not only a very grave infringement of the sovereignty of the Kingdom, but also a source of considerable damage to the national economy and the social activities of the Kingdom.

The production of rubber is one of the vital items in the national export trade and it is one of the chief sources for obtaining the foreign exchange necessary to the Cambodian economy and, above all, to the maintenance of its national independence. The estimates of loss and damage already prepared by the National Fact-finding Committee, show that as of 12 May 1969, an area of 15,152 hectares of rubber had been destroyed

by defoliants out of a total of 60,000 hectares under cultivation in Cambodia. It should be noted that the 15,152 hectares of plantations which have been devastated consist of trees in full production and that some of these plantations belong to French companies. The amount of damage suffered can be assessed at \$US 7,600,000. Table 1 gives a list of the damages inflicted on rubber crops in the region affected by defoliants as at 12 May 1969 and the effects on the national economy.

In addition to the damage inflicted on rubber plantations, there has been a partial or complete loss of crops in various agricultural products in the region referred to, for example, pineapple plants, coffee shrubs, jackfruit trees, rambutan trees, banana trees, sweetsop trees, durians, cassava plants and cainito starapple trees, not to mention leguminous plants (see table 2 attached). As a first estimate, the total loss for the national economy of these various agricultural crops can be assessed at approximately 8 million riels or \$227,668.

Moreover, in the social field, the consequences brought about by the dropping of defoliants by United States aircraft are no less disastrous. Some of the labour force, estimated at approximately 2,000 rubber plantation workers, is now unemployed and must be granted assistance, both in cash and in food-stuffs, in the order of 30 million riels per year or \$857,142.

The total damage inflicted on the national economy therefore amounts to:

rubber plantations	\$7,600,000
various agricultural products ..	227,668
manpower ..	857,142
TOTAL	\$8,684,810

These figures give an indication of the unjustifiable damage inflicted on a neutral and peaceful country, which for its part adheres to a consistent policy of non-intervention in the affairs of neighbouring States.

The Royal Government of Cambodia has requested the French Government, which represents its interests in the United States of America, to intercede with the Government of the United States of America for the purpose of obtaining for Cambodia, as soon as possible:

1. Full reparation, on the basis of the facts stated above, of the damages caused by the criminal action of

the United States Air Force. To this end, the Royal Government is prepared to extend to the United States Government all necessary facilities to verify the damages in question. It should be pointed out that the amount cited above (\$8,684,810) does not take into account the direct effects which will be produced in future on the economy of the Kingdom and the life of the Cambodian people, nor does it include the damages inflicted on the forest in the area affected by the defoliants, or their long-term effects; damages and effects which could not as yet be determined. On this issue, the Royal Government reserves the right to claim further reparations.

2. An immediate and permanent halt to the dropping of defoliants on Cambodian territory.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

TABLE 1—PROVISIONAL FIRST LIST OF DAMAGES INFLECTED ON RUBBER PLANTATIONS IN THE AREA AFFECTED BY DEFOLIANTS AS OF 12 MAY 1969—EFFECTS ON THE NATIONAL ECONOMY

	Units	Monet. Factor ^a	Probable Product	Total
1. <i>Affected areas</i>				
I. <i>Partial defoliation, only foliage crowns</i>				
Crops, bearing	hectares	4,078	1,505	5,583
Crops, not bearing	"	—	428	428
TOTAL I	"	4,078	1,933	6,011
II. <i>Very heavy or complete defoliation</i>				
Crops, bearing	"	5,126	405	5,531
Crops, not bearing	"	2,310	1,300	3,610
TOTAL II		7,436	1,705	9,141
GRAND TOTAL OF AREAS AFFECTED		11,514	3,638	15,152
Including: crops, bearing	"	9,204	1,910	11,114
crops, not bearing	"	2,310	1,728	4,038
2. <i>Number of workers affected by probable non-tapping</i>	workers	1,638	100	1,738
3. <i>Estimated loss of production</i>				
In 1969				
Possibles ^a	tons	4,200	(?)	(?)
Probable ^b	"	7,200	900	8,100
Following years	"	5,100	1,800	6,900
Total	"	12,300	2,700	15,000
4. <i>Fob value of the probable loss of production</i>	thousands of riels	213,000	47,000	260,000
	thousands of \$US	6,150	1,350	7,500
5. <i>Nursery stock intended for planing 1969</i>				
Number of seedlings lost	baskets	20,000	55,000	75,000
Estimated damage	thousands of riels	625	1,625	2,250
6. <i>Young crops destroyed, to be replanted</i>				
Area (1968 crop, planted by direct sowing)	hectares	—	30	30
Estimated damage ..	thousands of riels	—	1,250	1,250
7. TOTAL DAMAGES, ESTIMATED IN \$US	\$US			7,600,000

^a The estimate takes into account a possible minimum stoppage of tapping which might be ordered for financial and/or social reasons but which may be definitely harmful to the potential future production of the trees.

^b Assessment established taking into consideration all negative factors and a sufficiently long stoppage to safeguard future crops.

TABLE 2—PROVISIONAL LIST OF DAMAGES INFLICTED ON VARIOUS CROPS OTHER THAN RUBBER
IN THE AREA AFFECTED BY DEFOLIANTS—EFFECTS ON THE NATIONAL ECONOMY

Crop	Area or number of units affected		Annual production per unit or hectare ^b	Production cost per unit	Market price per unit	Total consumer value (riels)
	Affected	Harvest completely damaged				
Pineapple	24.50 ha	12.50 ha	15,000 t/ha	5 riels/fruit	10 riels/fruit	1,875,000
Coffee	15,140 units	9,720 units	400 kg/ha	30 riels/kg	60 riels/kg	216,000
Jackfruit	3,135 units	2,916 units	60 f/unit	5 riels/fruit	8 riels/fruit	1,399,680
Rambutan	887 units	580 units	200 kg/unit	3 riels/kg	6 riels/kg	696,000
Banana	53 ha	53 ha ^a	7,000 m/ha	0.60 riels/m	1 riel/m	371,000
Sweetsop	1,392 units	1,288 units	80 f/unit	riel/4 fruits	1 riel/2 fruits	51,520
Durian	2,179 units	829 units	40 f/unit	50 riels/fruit	70 riels/fruit	2,321,200
Cassava	10.50 ha	9 ha	40 t/ha	0.50 riel/kg	1.50 riels/kg	540,000
Cainito starapple	816 units	498 units	100 f/unit	1 riel/2 fruits	1 riel/1 fruit	49,800
Legumes	—	—	—	—	—	—

^a Fruits abnormally elongated, foliage apparently intact.

^b f = fruit, m = hand of bananas.

DOCUMENT S/9264

Letter dated 17 June 1969 from the representative of Cambodia to the
President of the Security Council

[Original text: French]
[18 June 1969]

On instructions from my Government and further to my letter of 10 June 1969 [S/9248], I have the honour to communicate the following to you for the information of the members of the Security Council.

During the period from 18 to 21 May 1969, Cambodian elements on sea patrol at Koh Kong captured six Thai fishing junks with thirty-seven crew members caught in the act of fishing clandestinely in Cambodian territorial waters at the following times and places:

During the night of 18/19 May 1969, at about 11 p.m., three motor junks with fourteen men on board were captured some 10 kilometres north-west of Koh Moul.

On 20 May 1969, at about 8 a.m., a junk with four men on board was captured off Beng Krassop.

On the same day, at about noon, another motor junk with four men on board was captured off the island of Koh Mreas.

On 21 May 1969, at about 6.45 a.m., a junk with fifteen crew members was captured off the island of Polowai.

The Royal Government of Cambodia has protested against the repeated violations of Cambodian territorial waters by Thais engaging in clandestine fishing and has called upon the Government of Thailand to take appropriate measures to put an end to such reprehensible acts.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9265

Letter dated 17 June 1969 from the representative of Cambodia to the
President of the Security Council

[Original text: French]
[18 June 1969]

On instructions from my Government and further to my letter of 10 June 1969 [S/9250], I have the honour to communicate to you below, for the information of the members of the Security Council, the details of the criminal attacks perpetrated on 23 May 1969 by helicopters of the United States-South Viet-Namense forces against the Cambodian villages of O-Pot, O-Ret and Bu Raing.

On 23 May 1969, at about 12 noon, helicopters of the United States-South Viet-Namense forces violated Cambodian air space and machine-gunned the Cambodian villages of O-Pot, O-Ret and Bu Raing, situated approximately 13 kilometres inside Cambodian territory and 2 kilometres north-east of Bu Bra, in the commune of Dak Dam, district of O-Raing, province of Mondulhiri, causing the following losses:

In the village of O-Pot:

- 3 women and 1 girl killed outright:
Néang YUK NGOR, age 40
Néang PEOUL P'YOEUNG, age 30
Néang VAU Y RAUS, age 30
Néang CERANE PHANH, age 8
- 1 girl wounded:
Néang CHRE DVAN, age 8
- 17 pigs and 15 chickens killed
- 20 jars broken
- 1 set of gongs damaged

In the village of Bu Raing:

- 1 man killed outright:
PEAU KLOL, age 50
- 4 residents wounded:
N'KACH, age 50
Néang KROT, age 40
CHROEUB, age 12
TREK, age 9
- 2 houses set afire

South of the same village:

- 1 tractor-driver wounded
- 1 tractor damaged

Elements of the Cambodian defence forces retaliated immediately hitting the intruding helicopters, one of which crashed to the ground approximately 6 kilometres south-east of Bu Sra, district of O-Raing, province of Mondulkiri.

The Royal Government of Cambodia has protested vigorously and with profound indignation against the violation of Cambodia's air space and the deliberate shooting of peaceful and innocent Cambodian residents. It has called upon the Governments of the United States of America and the Republic of Viet-Nam to take appropriate steps to put an end to such criminal acts, punish the offenders and pay compensation to the victims.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9266

Letter dated 17 June 1969 from the representative of Cambodia to the
President of the Security Council

[Original text: French]
[18 June 1969]

On instructions from my Government and further to my letter of 12 June 1969 [S/9251], I have the honour to inform you of the following, for the information of the members of the Security Council.

On 19 April 1969 the explosion of a grenade set by elements of the United States-South Viet-Nameese forces in the commune of Banteay Kraing, district of Kompong Rau [Svay Rieng], seriously wounded two sixteen-year old girls, Néang Nong Kouy and Néang Sao Yoeun.

On the same day, at approximately 4.30 p.m., a United States-South Viet-Nameese aircraft flying over the Khmer-South Viet-Nameese frontier fired rockets on a herd of grazing cattle in the commune of Kompong Chamlang, district of Svay Rieng, province of Svay Rieng, killing five oxen and injuring three others.

On 26 April 1969, at approximately 9.30 a.m., a rocket fired by an aircraft of the United States-South Viet-Nameese air force exploded and seriously wounded two boys; Ung Savan, seventeen years old, and Kim Saren, fifteen, and one girl; Néang Nong Saren, thirteen, in the commune of Samrong, district of Chantrea [Svay Rieng].

On 28 April 1969, at approximately 10 a.m., elements of the United States-South Viet-Nameese forces based in South Viet-Nam, while moving along the frontier opened automatic-weapon fire on a herd of grazing cattle in the commune of Thmei, district of Kompong Rau [Svay Rieng], seriously injuring two oxen belonging to Prak Nouth, a local inhabitant.

On the same day, at approximately 6 p.m., the explosion of a bomb dropped by a United States-South Viet-Nameese aircraft seriously wounded Ouk Douk, an inhabitant of the village of Phum Thnot, commune of the same name, district of Chantrea [Svay Rieng].

On 7 May 1969, at approximately 6.30 p.m., an artillery shell fired from the South Viet-Nameese post of Queo Ba by the United States-South Viet-Nameese forces fell in the commune of Prasat, district of Chantrea [Svay Rieng], wounding a nineteen-year old village dweller named Sok Sin.

On 11 May 1969, at approximately 3.30 p.m., elements of the United States-South Viet-Nameese forces from the post of Ong Tan, while moving along the frontier directed automatic-weapon fire at herdsmen in the commune of Thmei, district of Kompong Rau [Svay Rieng], seriously wounding one of them, a twelve-year old named Neth Sarong.

On 18 May 1969, at approximately 6.40 a.m., United States-South Viet-Nameese helicopters violated Cambodian air space and fired rockets on the village of Prey Roboeus, commune of Thnot, district of Kompong Rau [Svay Rieng], seriously wounding a twenty-two-year old woman named Néang Oum Saven.

On 26 May 1969, at approximately 8.30 p.m., elements of the United States-South Viet-Nameese forces from the post of Ca Coi directed mortar fire at Cambodian territory. Two shells fell in the commune of Sampeou Poun, district of Koh Thom [Kandal], wounding a sixty-six-year old village woman named Pén.

On 27 May 1969, at approximately 3.30 a.m., elements of the United States-South Viet-Nameese forces from the post of Tan An fired about ten shells on the Cambodian commune of Kaam Samnar Krom, district of Loek Dk [Kandal]. Two houses were damaged by the shell-bursts.

On 30 May 1969, at approximately 2 p.m., four helicopters of the United States-South Viet-Nameese forces violated Cambodian air space over the district

opened in the forest, the piles of rough timber and the exit routes leading to Thai territory.

"The Royal Government recalls that this pillage of the Cambodian forest was accompanied by the establishment in the same place by Thai soldiers, who were also captured on 16 May, of a so-called government of the rebel movement of the self-styled 'free' Khmers, supported by Bangkok. Once again the Royal Government appeals to international opinion to be the judge of the dishonesty

of the Thai authorities, who with their untruthful statements are trying to deceive public opinion and conceal the unspeakable conduct of Thailand towards Cambodia."

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9261

Letter dated 24 June 1969 from the representative of Cambodia to the
President of the Security Council

[Original text: French]
[25 June 1969]

On instruction from my Government and further to my letter of 17 June 1969 [S/9264], I have the honour to inform you of the following, for the information of the members of the Security Council.

On 12 March 1969, a Cambodian patrol on a mission in the commune of Svay Chek, district of Thmar Puok, province of Battambang, surprised a group of Thai bandits digging in the ground at a point situated at TA.613.338 to steal old Khmer art objects.

Caught in the act, these bandits opened fire on the Khmer patrol officers, who had to return fire. After an exchange of fire lasting about twenty minutes, the Thai bandits withdrew towards Thailand, leaving behind one dead man and two locally made rifles.

On the night of 30 April 1969, at about 9.30 p.m., two Thai fishing junks violated the territorial waters of Cambodia by penetrating to about 900 metres north of the island of Polowai, province of Koh Kong. These vessels did not withdraw to the open sea until the Cambodian guards on the island had fired a challenge.

On the night of 5 May 1969, at about 11.30 p.m., a Cambodian patrol at sea surprised a Thai motor junk engaged in clandestine fishing in Khmer territorial waters about five kilometres west of the island of Koh Moul, province of Koh Kong. After a brief exchange of fire, the Cambodian patrol managed to capture the Thai junk with a crew of four, one of whom was seriously wounded during the exchange of fire.

The Royal Government of Cambodia has lodged a strong protest against these repeated violations of Khmer territorial waters and territory, followed by acts of piracy committed by Thai fishermen and bandits. It has demanded that the Government of Thailand take appropriate measures to trace and punish those responsible and put an end to such reprehensible acts.

I should be grateful if you would have the text of this letter circulated as a document of the Security Council.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9282

Letter dated 24 June 1969 from the representative of Cambodia to the
President of the Security Council

[Original text: French]
[25 June 1969]

On instructions from my Government and further to my letter of 17 June 1969 [S/9266], I have the honour to inform you of the following, for the information of the members of the Security Council.

On 11 April 1969, at about 10.15 a.m., elements of the United States-South Viet-Namense armed forces from the post of Kin Thai Bang fired several shells on the Cambodian commune of Kompong Krassaing, district of Koh Anderh, province of Takéo, killing a child on board a public transport boat, which was also seriously damaged.

On 18 April 1969, at about 7 p.m., elements of the United States-South Viet-Namense armed forces from the post of Vinh-Hoi-Dong fired mortar shells on the territory of Cambodia. Three shells fell on a spot situated about 300 metres inside the frontier, within the district of Borci-Chulsa, province of Takéo. The explosion of these shells wounded a woman named Néang Sin Khuon.

On 24 April 1969, at about 12.30 p.m., five soldiers from the United States-South Viet-Namense forces penetrated into Cambodian territory to a distance of about 500 metres from the frontier in the commune of Prey Yuthka, district of Preah Bat Chean Chum, province of Takéo. They raided about twenty grazing oxen belonging to the Cambodian inhabitants of that commune.

On 3 May 1969, at about 7.30 a.m., elements of the United States-South Viet-Namense forces from the posts of Kaun Trom and Peam fired mortar shells on the territory of Cambodia. Two shells fell on a spot situated about 500 metres inside the frontier, in the commune of Russey-Srok, district of Kompong Trach, province of Kampot. The explosion of these shells wounded a village dweller named Chau Yien.

The Royal Government of Cambodia has lodged a strong protest against the deliberate shooting at Cambodian territory by elements of the United States-South Viet-Namense regular forces and against the violation

of Khmer territory, followed by raiding of oxen, committed by those forces. It has demanded that the Governments of the United States of America and the Republic of Viet-Nam take immediate steps to put an end to such acts of provocation, to compensate the victims and to return the oxen which were removed.

I should be grateful if you would have the text of this communication circulated as a document of the Security Council.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9283

Letter dated 25 June 1969 from the representative of Israel to the President of the Security Council

[Original text: English]
[25 June 1969]

On instructions from my Government I have the honour to bring to your attention the following action by the United Arab Republic authorities which constitutes not only a flagrant breach of the cease-fire, but also marks a new low in Egypt's utter disregard for human dignity and a travesty of all accepted norms of civilized behaviour.

On the night of 22/23 June 1969 an Egyptian military force crossed the Suez Canal and attacked an Israeli position on the east bank of the Canal, 6 kms south of Kantara. In the ensuing exchange of fire the Egyptian attackers were repulsed, suffering an unknown number of casualties and leaving behind the bodies of five Egyptian soldiers killed in the abortive attack.

The bodies of the five soldiers were found the next morning between the Israeli position and the eastern bank of the canal, opposite the Egyptian positions on the west bank. It was arranged with the United Nations Military Observers and the International Red Cross that the bodies would be removed under United Nations Military Observers' supervision today, 25 June 1969, at 1600 hours local time, and transferred to the Egyptian authorities at Kantara at 1700 hours

in the presence of United Nations and Red Cross representatives.

No sooner had a United Nations Military Observer arrived on the scene and raised the United Nations flag than the Egyptians opened mortar fire on the personnel engaged in the removal of the Egyptian casualties. The United Nations Observer decided, therefore, to leave and try to arrange the removal of the bodies tomorrow. The United Arab Republic authorities, however, have informed the United Nations Military Observers that in view of the fact that the bodies of the Egyptian soldiers were not transferred to them today, Egypt refuses to accept them altogether.

This barbaric behaviour toward Egypt's own fighting men and its callous attitude toward the safety of United Nations personnel is another expression of the despicable nature of the aggression pursued by the United Arab Republic, in violation of the cease-fire.

I have the honour to request circulation of this letter as an official document of the Security Council.

(Signed) Yosef TEKOAH
Permanent Representative of Israel
to the United Nations

DOCUMENT S/9284

Letter dated 26 June 1969 from the representative of Jordan to the President of the Security Council

[Original text: English]
[26 June 1969]

Upon instructions from my Government, I have the honour to bring to your attention further and intensified Israel violations of Security Council resolution 252 (1968) of 21 May 1968, concerning Jerusalem.

In this resolution, the Council considered that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status and "urgently calls upon Israel to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem".

In utter disregard of the will of the inhabitants of Jerusalem and instead of complying with the above directives, the Israel Government proceeded to enact a new legislation, i.e., Administrative Regulation Law 1968 [S/9149] which was to be put into force on 23 February and later extended to 23 May 1969. On 27 April 1969, further provisions and new regulations were enacted. You will recall that on 8 February 1969, my Government requested an urgent meeting of the

Security Council on this matter. This was deferred. But Israel continued to violate basic human rights in the Holy City and to take measures contrary to the provisions of resolution 252 (1968) and the United Nations Charter.

Jordan has already referred to the arbitrary arrests, detention, torture, demolition of houses and deportation [S/9001, S/9102 and S/9197] committed by the Israel authorities. On 9 June 1969, nine Jordanian citizens, four of them from Jerusalem, were expelled to the East Bank of Jordan. Only yesterday, 25 June, the Israel authorities evicted more than eighty-eight persons, some of them forcibly, from the old city of Jerusalem. One of the buildings in the area evacuated belonging to Waqf, a Muslim religious and charitable institution and contained a mosque, a religious court and a school.

While Arab quarters, houses and public buildings have been demolished or emptied and inhabitants deported or evicted, the Israeli Government has been carrying out its plans for the establishment of Israeli settlements in the city and repopling its inhabitants.

The unworthy artifice and the contemptuous attitude of the Israeli representative are in themselves proof that the 1969 Syrian complaints are valid. Our accusations stand, and we are awaiting the report on them by the Director-General of UNESCO.

I shall be grateful if this letter is circulated as an official document of the General Assembly and the Security Council.

(Signed) George J. TOMER
Permanent Representative of Syria
to the United Nations

DOCUMENT S/9301

Letter dated 1 July 1969 from the representative of Cambodia
to the President of the Security Council

[Original: French]
[2 July 1969]

On instructions from my Government and further to my letter of 24 June 1969 [S/9282], I have the honour to bring the following to your attention for the information of the members of the Security Council:

On 16 June 1969, at about 7.20 p.m., a helicopter of the United States-South Viet-Nameese forces repeatedly violated Cambodian air space over the village of Pop Lom, commune of Choam, district of Mimot, province of Kompong Cham, and fired four rockets, seriously wounding a man named Neou Khvan, slightly wounding his wife, Phe Sarin, and damaging their home.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9303

Letter dated 2 July 1969 from the representative of Jordan
to the President of the Security Council

[Original: English]
[2 July 1969]

Further to my letter of 30 June 1969 [S/9289], and in relation to the Security Council's deliberation on Jerusalem and Israeli violations therein, and upon instructions from my Government, I have the honour to bring to your attention the attached photographs showing constructions of Israeli settlements on confiscated Arab land between Sheikh Jarrah and Shu'fat in eastern Jerusalem, in utter disregard of the wish of the people and the Security Council resolution 252 (1968).

May I request that this letter together with the photographs be urgently circulated as an official document of the Security Council.

(Signed) Muhammad H. EL-FARRA
Permanent Representative of Jordan
to the United Nations

[The photographs attached to the lithographed version of the present document are not reproduced here.]

DOCUMENT S/9308

Letter dated 2 July 1969 from the representative of Cambodia
to the President of the Security Council

[Original: French]
[3 July 1969]

On instructions from my Government and further to my letter of 1 July 1969 [S/9301], I have the honour to bring the following to your attention for the information of the members of the Security Council:

During the period 19 April to 26 May 1969, the Royal Government of Cambodia recorded five cases

of the violation of Cambodian territorial waters by South Viet-Nameese fishing junks and a vessel of the South Viet-Nameese Navy on the dates, at the hours and in the localities indicated below:

On 19 April 1969, at about 9.40 a.m., two fishing junks penetrated to a point approximately fifteen

kilometres to the east of the island of Koh Ses, facing Kep (Kampot).

On 25 April 1969, at about 1.15 p.m., two other fishing junks penetrated to a point approximately one kilometre to the west of the island of Koh Angkrang, facing Kep (Kampot).

On 11 May 1969, at about 1.30 p.m., two fishing junks penetrated to a point approximately one kilometre to the south-west of the islands of Koh Ses and Koh Angkrang.

On 26 May 1969, at about 10.30 p.m., two fishing junks again penetrated as far as the islands of Koh Tonsay and Koh Thbal.

On the same day, at about 4 p.m., a vessel of the South Viet-Name Navy penetrated as far as the island of Koh Ses, facing Ream (Kampot).

These fishing junks and this vessel of the South Viet-Name Navy did not withdraw seaward until the Cambodian forces guarding the islands fired warning shots.

The Royal Government of Cambodia has protested against these repeated violations of Cambodia's territorial waters. It has requested the Government of the Republic of Viet-Nam to take appropriate measures to prevent a recurrence of such acts.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath

*Permanent Representative of Cambodia
to the United Nations*

DOCUMENT S/9309

Letter dated 2 July 1969 from the representative of Cambodia
to the President of the Security Council

[Original: French]
[3 July 1969]

On instructions from my Government and further to my letter of 2 July 1969 [S/9308], I have the honour to bring the following to your attention for the information of the members of the Security Council:

On 31 May 1969, at about noon, members of the United States-South Viet-Name forces based in South Viet-Nam directed artillery fire at Cambodian territory. One shell fell in the commune of Rong, district of Mimot (Kompong Cham), killing a boy named Lung Srun and seriously wounding another named They Rong, both sixteen years of age.

On 1 June 1969, at approximately 5.30 p.m., a United States-South Viet-Name reconnaissance aircraft violated Cambodian air space and launched rockets against the commune of Bassac, district and province of Svay Rieng, killing a villager named Noek Yeang, thirty-nine years of age.

The Royal Government of Cambodia has protested vigorously against these deliberate attacks, the violation of Cambodia's air space and the murder of innocent Cambodians by armed United States-South Viet-Name forces. It has demanded that the Governments of the United States of America and the Republic of Viet-Nam should take appropriate measures to prevent a recurrence of the criminal acts of their forces and to indemnify the families of the victims.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath

*Permanent Representative of Cambodia
to the United Nations*

DOCUMENT S/9312

Letter dated 3 July 1969 from the representative of Turkey
to the President of the Security Council

[Original: English]
[3 July 1969]

In connexion with the present debate in the Security Council on the agenda item entitled "The situation in the Middle East", I have the honour to submit to your attention the text of a statement made by Mr. Ihsan Sabri Çağlayangil, Minister for Foreign Affairs of Turkey.

I shall be grateful if this letter together with its annex is circulated as a document of the Security Council.

(Signed) Orhan ERALP

*Permanent Representative of Turkey
to the United Nations*

Annex

In response to a question put by newspapermen regarding the recent unilateral measures taken by Israel in Jerusalem and the request by Jordan for an urgent Security Council meeting on the subject, the Minister of Foreign Affairs Mr. Ihsan Sabri Çağlayangil explained the views of the Turkish Government in the following terms:

The Middle East issue is a conflict which has several aspects, one of the most important of which is certainly the status of the City of Jerusalem with which all the three major religions are directly and closely connected.

During the fifth emergency special session of the General Assembly, which was held following the June 1967 war, a

At the moment of signing the Frontier Treaty between Iraq and Iran, the two High Contracting Parties are agreed as follows:

I

The geographical co-ordinates designated approximately in Article 2 of the Treaty aforesaid shall be definitively determined by a commission of experts consisting of an equal number of members appointed by each of the High Contracting Parties.

The geographical co-ordinates thus definitively determined within the limits fixed in the Article aforesaid shall be recorded in Minutes, the which, after signature by the members of the said commission, shall form an integral part of the Frontier Treaty.

II

The High Contracting Parties undertake to conclude the Convention to which Article 5 of the Treaty relates within one year from the entry into force of the Treaty.

In the event of the said Convention not being concluded within the year despite their utmost efforts, the said time-limit may be extended by the High Contracting Parties by common accord.

The Imperial Government of Iran agrees that, during the period of one year to which the first paragraph of the present Article relates or the extension (if any) of such period, the Royal Government of Iraq shall be responsible as at present for all questions to be settled under the said Convention. The Royal Government of Iraq shall notify the Imperial Government of Iran every six months as to the works executed, dues collected, expenditure incurred or any other measures undertaken.

Permission granted by either of the High Contracting Parties to a vessel of war or other public service vessel not engaged in trade, belonging to a third State, to enter its own harbours on the Shatt-al-Arab shall be deemed to have been granted by the other High Contracting Party in such sort that the vessels in question shall be entitled to use the waters of the latter for the purpose of navigating the Shatt-al-Arab.

The High Contracting Party granting such permission shall immediately notify the other High Contracting Party accordingly.

IV

It is clearly understood, without prejudice to the rights of Iran in respect of the Shatt-al-Arab, that nothing in this Treaty shall affect the rights of Iraq and the contractual obligations of the same *vis-à-vis* the British Government in respect of the Shatt-al-Arab under Article 4 of the Treaty of 30 June 1930, and paragraph 7 of the Annex thereto signed on the same date.

V

The present Protocol shall be ratified at the same time as the Frontier Treaty, of which it shall form an annex and integral part. It shall come into force at the same time as the Treaty.

The present Protocol is drawn up in Arabic, Persian and French; in case of difference, the French text shall prevail.

Done at Tehran, in duplicate, the fourth day of July, one thousand nine hundred and thirty seven.

(Signed) Naji AL ASIL
SAMIR

DOCUMENT S/9324

Letter dated 11 July 1969 from the representative of the United States of America to the President of the Security Council

[Original text: English]
[11 July 1969]

On instructions from my Government, I have the honour to submit the following:

On 16 April 1969, the United States Government made the following statement:

"In conformity with the United Nations Charter, the United States of America recognizes and respects the sovereignty, independence, neutrality and territorial integrity of the Kingdom of Cambodia within its present frontiers.

"During the period since the last annual report of the Security Council, the Royal Government of Cambodia has addressed, through its Permanent Representative to the United Nations, a number of communications to the Security Council charging violations of Cambodian territory by forces of the United States based in the Republic of Viet-Nam.

"The United States Government wishes, by this communication, to inform the members that it has, where appropriate, responded to the Royal Cambodian Government through diplomatic channels. Full investigations of alleged incidents have been undertaken and the pertinent facts conveyed to the Cambodian Government. In those cases in which it has appeared that an intrusion into Cambodian territory by United States forces has in fact occurred,

the United States Government has taken the appropriate steps of apology and redress.

"The United States Government has made clear to the Royal Cambodian Government that United States forces have no hostile intentions toward Cambodia or Cambodian territory. The root cause of those incidents which have involved Cambodian territory is the presence of Viet Cong and North Viet-Name forces in the frontier region and their use of Cambodian territory in violation of the neutrality of Cambodia.

"The Government of the United States fully shares the concern of the Royal Cambodian Government over violations of its neutrality and territorial integrity from whatever source. For its part, the United States Government has taken and intends to continue taking all steps available to it to prevent the spread of hostilities in Viet-Nam into Cambodia."

I have the honour to request that this letter be circulated as an official document of the Security Council.

(Signed) William B. BUFFUM
Acting Permanent Representative of
the United States of America
to the United Nations

DOCUMENT S/9366

Letter dated 25 July 1969 from the representative of Cambodia
to the President of the Security Council

[Original: French]
[28 July 1969]

On instructions from my Government and further to my letter of 25 July 1969 [S/9365], I have the honour to inform you of the following, for the information of the members of the Security Council:

On 23 June 1969, at approximately 6 a.m., a Cambodian frontier surveillance patrol surprised a group of Thais engaged in the clandestine cultivation of two parcels of land in Cambodian territory, situated at distances of 300 and 500 metres respectively from the Khmer-Thai frontier, in the commune of Soeng, district of O-Chreou (Battambang). Fifteen Thai guards protecting the clandestine agricultural workers opened fire on the Cambodian patrol in order to cover the retreat of the agricultural workers.

On 27 June 1969, at approximately 11.20 a.m., a Cambodian soldier named Im Sauth was killed by the explosion of a grenade booby-trap set by "Serei" Khmers who had come from Thailand. The incident occurred about 10 kilometres west of the commune of Kaup, district of Sisophon (Battambang).

On 3 July 1969, at approximately 1.30 p.m., fifteen armed Thais entered the Cambodian commune of

Sdech (Prey Veng), approximately 300 metres from the criminal acts there. However, surprised by the Cambodian patrol, they withdrew into Thai territory after a brief exchange of fire, leaving behind them one man killed and one rifle.

The Royal Government of Cambodia has vigorously protested against the attempts made by Thais to cultivate Cambodian soil clandestinely, the deliberate firing on the Cambodian patrol by the Thai guards, the incursions of Thai armed elements into Cambodian villages and laying of mines in Khmer territory by the "Serei" Khmers supported by the Thais. It has demanded that the Royal Government of Thailand should take appropriate measures to put an end to such reprehensible acts, punish the guilty and compensate the victim.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9367

Letter dated 25 July 1969 from the representative of Cambodia
to the President of the Security Council

[Original: French]
[28 July 1969]

On instructions from my Government and further to my letter of 2 July 1969 [S/9309], I have the honour to inform you of the following, for the information of the members of the Security Council:

On 6 May 1969, at approximately 7 a.m., elements of the United States-South Viet-Nameese forces stationed at Vinh Dien fired several shells at the Cambodian post of Angkor Ang in the commune of Banteay Chakrey, district of Kompong Trabek (Prey Veng), severely wounding one inhabitant and causing the following losses and damage: two oxen and three pigs killed, two houses damaged, 500 thaings of paddy (equivalent to approximately 7,500 kilogrammes of hulled rice), three carts and three bicycles destroyed.

On 25 May 1969, at approximately 6.30 a.m., elements of the United States-South Viet-Nameese forces entered Cambodian territory and took away twenty-five oxen belonging to the inhabitants of Peam Montea in Kompong Trabek (Prey Veng).

On 31 May 1969, at approximately 9 p.m., elements of the United States-South Viet-Nameese forces stationed at the Hong Ngu post fired two shells at the Cambodian commune of Koh Sampeou in Peam Chor (Prey Veng), approximately 500 metres from the frontier, killing one cow and wounding four oxen belonging to local inhabitants.

On 1 June 1969, at approximately 6 p.m., elements of the United States-South Viet-Nameese forces stationed at the Cai-Muong post opened fire in the direction of the commune of Koh Sampeou, district of Preah

Sdech (Prey Veng), approximately 300 metres from the Khmer-South Viet-Nameese frontier, severely wounding a village woman named Ngo Thi Nguyen.

On 8 June 1969, at approximately 4 p.m., elements of the same forces stationed at the Khan An post opened fire with automatic weapons on a row-boat moving on the Bassac, approximately 200 metres from the frontier, in the village of Prek Chrey in Koh Thom (Kandal), wounding Chhieng Kang, who was operating the boat.

On 12 June 1969, at approximately 9 a.m., an aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and dropped a bomb over the commune of Popet in Svay Teap (Svay Rieng), approximately 1,000 metres from the frontier, severely wounding two local inhabitants, a man named Veng, aged forty-five, and a boy named Nou Kaouch, aged fifteen.

On the morning of 15 June 1969, beginning at 9.20 a.m., elements of the United States-South Viet-Nameese armed forces based in the Dinh Ba region directed cannon fire into Cambodian territory. Approximately thirty shells fell within the enclosure of the Banteay Chakrey post in Kompong Trabek (Prey Veng). The shell bursts severely wounded a Cambodian soldier named Pheng Sarin and caused damage to the said post, a residential building and a motorcycle.

On the same day, at approximately 1 p.m., a twin-engined United States-South Viet-Nameese aircraft

violated Cambodian air space and launched rockets over the region of Phum Tadev, commune of Mesar Thngak, in Chantrea (Svay Rieng), severely wounding four Cambodian children: Srey Penh, aged fifteen, Ouk Yo and Chen Khon, both aged thirteen, and Kham Sareth, aged twelve.

On 16 June 1969, at approximately 4.30 p.m., elements of the United States-South Viet-Nameese forces stationed at the Phom Prachiev post fired several shells at the Cambodian village of Koh Sambor, commune of Russey Srok, in Kompong Trach (Kampot), approximately 500 metres from the frontier. A buffalo belonging to Louk Loeuk was killed by shell bursts during the firing.

On 20 June 1969, at approximately 1.30 p.m., elements of the United States-South Viet-Nameese forces opened fire with automatic weapons in the direction of the Cambodian commune of Peam Montea in Kompong Trabek (Prey Veng), wounding a local inhabitant named Yoso Thung, aged twenty-five.

On 22 June 1969, at approximately 7 a.m., elements of the same forces stationed at the Tan Tri post entered Cambodian territory to a distance of 2,000 metres, in the commune of Khset in Kompong Rau (Svay Rieng), and opened fire on the local inhabitants, wounding two of them, named Yun Vieu and San Yan.

The Royal Government of Cambodia has vigorously protested against the violations of Cambodian air space and territory, the deliberate shootings and the livestock raids committed by the United States-South Viet-Nameese armed forces. It has demanded that the Governments of the United States of America and the Republic of Viet-Nam should take appropriate measures to put an end to such acts and compensate the victims.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9368

Special report of the Secretary-General on the death of a United Nations military observer on 27 July 1969 in the Suez Canal sector

[Original: English]
[30 July 1969]

REPORT ON THE INVESTIGATION INTO THE DEATH OF MAJOR PLANE

1. In a preliminary report dated 27 July 1969 [S/7930/Add.284], which I immediately conveyed to the Security Council, the Chief of Staff of UNTSO, Lieutenant-General Odd Bull, informed me that a United Nations Military Observer, Major B. R. Plane of the Swedish Army, was killed by artillery fire when on duty at OP Mike (MR 7657-8037) on the western bank of the Suez Canal at 1135 hours GMT on the same day. General Bull also indicated that an investigation was in progress and that further details would be reported later.

2. I have now received from General Bull his report on the investigation into the death of Major Plane. This report, which was prepared by a board of investigation sent from UNTSO headquarters and was dated 30 July, reads as follows:

"1. Major B. R. Plane, Swedish Army, was on duty with Lt.-Colonel J. T. Mela, Chilean Army, at OP Mike, on the western side of the Suez Canal at Port Ibrahim located approximately three kilometres south of the city of Suez.

"2. Both officers had been on duty at this OP site since 25 July. During this period there had been intense air and ground activity which had made it necessary for them to take cover in the living quarters on the second floor of the OP building and, less often, in the shelter on the ground floor on a number of occasions, and to emerge again during lulls in the firing to return to the observation platform to resume their duties and forward reports.

"3. OP Mike, that is the OP proper, is situated on the top of a seven-storey building and affords excellent observation in the Port Tawfiq-Suez area. As such, it is very exposed; in the nearby vicinity there are a UAR artillery directional post and mor-

tar positions, and during firing incidents UAR vehicles and tanks move in the near vicinity of the OP to firing positions. There are, however, no UAR artillery emplacements in this area.

"4. On 25 July, at 1059 GMT, the UNMOs (United Nations Military Observers) were on the observation platform when three aircraft attacked targets in the nearby vicinity of OP Mike with cannon fire and bombs. One bomb exploded twenty-five metres from the OP building which caused damage to the building, and fragmentation struck close to the UNMOs on the platform. The 26th of July was marked by frequent exchanges of heavy weapons fire and air attacks by Israel Air Force. During the evening hours of 26 July at 2206 GMT the northeastern side of the OP building was struck by an artillery shell. This shell created a one and a half metre hole in the exterior wall of the building, and the impact of this shell was approximately five metres from the UNMOs' living quarters. The above incidents were reported to the Israel authorities. During the morning of 27 July there were four occasions of UAR anti-aircraft fire at an Israel reconnaissance plane flying over the east side of the Canal. At 1101 GMT the UNMOs at OP Mike reported Israel artillery fire and shortly thereafter proceeded to the living quarters on the second floor of the OP building, which was often used as a supplementary OP since it affords some observation through a window and has a radio installed which can be used for reporting. Lt.-Colonel Mela stated that both he and Major Plane considered that they were safer there than in the shelter on the ground floor as the firing the evening before had made a large hole in the exterior wall, past which they must proceed to go to the shelter on the ground floor. At approximately 1135 GMT there was a lull in the Israel firing and Major Plane and Lt.-Colonel Mela decided to

DOCUMENT S/9374

Letter dated 1 August 1969 from the representative of Cambodia
to the President of the Security Council

[Original: French]
[4 August 1969]

On instructions from my Government and further to my letter of 25 July 1969 [S/9367], I have the honour to inform you of the following, for the information of the members of the Security Council.

During the period from 18 May to 14 June 1969, five cases of violations of Cambodian air space followed by the spraying of poisonous yellow chemical powder by aircraft of the United States-South Viet-Nameese air forces were recorded on the dates and at the places listed below:

During the night of 18-19 May 1969 over the chief town of the Thbeng Mean Chey district and along the Stung Sen river, Preah Vihear province;

During the night of 29-30 May 1969 over the military camp at Preah Vihear and the surrounding areas, Preah Vihear province;

During the afternoon of 6 June 1969, over the village of Khnang Krapoeu, commune of Dar, in Mimot (Kompong Cham);

Towards dawn on 13 June 1969 and about noon on the following day over the work-site at Dom Kralar, in the Screi-Toat district (Siem Pang), Stung Treng province.

This powder caused cases of vomiting and illness having symptoms similar to those of influenza among the population of these places.

The Royal Government of Cambodia has protested vigorously against the violations of Cambodian air space and the spraying of poisonous powder by the United States air force in the above-mentioned areas of the Kingdom. It has demanded that the Governments of the United States of America and the Republic of Viet-Nam take appropriate steps to prevent the recurrence of such acts and compensate the victims.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9375

Letter dated 1 August 1969 from the representative of Cambodia
to the President of the Security Council

[Original: French]
[4 August 1969]

On instructions from my Government and further to my letter of 1 August 1969 [S/9374], I have the honour to inform you of the following, for the information of the members of the Security Council:

On 25 June 1969, at about 11 a.m., Tim Kong, aged thirty-six, an inhabitant of the village of Koh Thkau, commune of Prek Kroeus, in Kompong Trach (Kampot), was seriously injured by an exploding mine which had been laid by the United States-South Viet-Nameese forces about 500 metres inside Cambodian territory within the said village of Koh Thkau.

On 29 June 1969, at about 4 p.m., a United States-South Viet-Nameese helicopter violated Cambodian air space and dropped six rockets on the village of Chrak Kranh, commune of ROUNG, in Mimot (Kompong Cham), seriously injuring one inhabitant named Khin Kim, aged fifteen, killing two buffaloes and wounding several other persons in the village of Chrak Kranh.

On 1 July 1969, at about 8.45 p.m., United States-South Viet-Nameese forces from the Cai Veng post fired about thirty shells into the village of Kraing Leao, commune of Kruos, Svay Rieng (Svay Rieng). These shells, on exploding, caused the following damage: three oxen killed, three oxen and one pig injured, three houses damaged.

On 3 July 1969, at about 2.30 p.m., United States-South Viet-Nameese forces on patrol along the Giang Thanh river in South Viet-Nam opened fire with automatic weapons on the Cambodian village of Preah Trohing, commune of Prek Kroeus, in Kompong Trach

(Kampot). A buffalo owned by Top Treav, a local inhabitant, was killed by this deliberate firing.

On 6 July 1969, at about 5 p.m., Chum Sean, aged twenty-five, an inhabitant of the village of Krassaing, commune of Kruos, in the district and province of Svay Rieng, was seriously injured by an exploding grenade forming part of a booby-trap set by United States-South Viet-Nameese forces in that village near the frontier.

On 7 July 1969, at about 2 p.m., two helicopters of the United States-South Viet-Nameese forces on patrol along the frontier opened fire on the Cambodian village of Samyong in the Kompong Rau district (Svay Rieng), seriously injuring one inhabitant, Preap Yong, aged twenty.

On 12 July 1969, at about 2 p.m., two helicopters of the United States-South Viet-Nameese forces violated Cambodian air space and opened fire on herds of oxen and buffalo grazing near the frontier in the commune of Daung, Romeas-Hek district (Svay Rieng).

This attack caused the death of a boy, So-Y, aged thirteen, and three oxen. Three other oxen and two buffaloes were also injured.

The Royal Government of Cambodia has protested vigorously against these continual violations of Cambodian air space and against deliberate firing by the aircraft and land units of the United States-South Viet-Nameese forces against Cambodian villages which results in casualties among the population and sub-

stantial losses in livestock and equipment. It has demanded that the Governments of the United States of America and the Republic of Viet-Nam take appropriate steps to prevent the recurrence of such acts, to punish the guilty parties and to compensate the victims.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) Huor Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9377

Letter dated 2 August 1969 from the representative of El Salvador
to the Secretary-General

[Original: Spanish]
[6 August 1969]

I have the honour to confirm the text of the cable dated 31 July 1969 addressed to you by Dr. Guillermo Paz Larín, Under-Secretary for Foreign Affairs, which reads as follows:

"I have today sent to Messrs. Gabino Fraga and Luis Reque, respectively Chairman and Executive Secretary of the Inter-American Commission on Human Rights, a radiotelegraph message which reads: 'I have the honour to acknowledge your cable of today's date, in which you request my Government to supply the Commission with information in connexion with the complaint by the Government of Honduras that my Government has violated the human rights of Honduran civilians in the Honduran towns occupied by the Salvadorian army, both before and after the cease-fire, and has thereby provoked terror among the inhabitants of towns, villages and hamlets near the localities occupied by Salvadorian troops.

"My Government emphatically rejects the Honduran complaint, which is merely another lie and false accusation the Government of Honduras has added to all those made previously, for the sole purpose of prejudicing the good name and standing of El Salvador in the international community, knowing that the accusation is completely groundless. It was established in the resolution at the Meeting of Consultation of the Organization of American States, held on 30 July that El Salvador is not an aggressor and, therefore, the military acts carried out by the Salvadorian army in invading and occupying Honduran territory are not illegal, but acts deriving from the inherent right of self-defence against the various acts of aggression committed by the Government of Honduras. A civilian who abandons his place of residence as a result of a military act by an enemy army which occupies territory near the locality in which he has his residence, cannot claim that his flight constitutes an expulsion from that locality or a violation of human rights; on the contrary, the best protection of the lives and property of civilians is to ensure their evacuation

from localities in which a military action may take place. Nor does blood spilt as a result of an external war, in conformity with the rules of war, constitute a violation of human rights, except in the case of aggression or an unjust war. The Inter-American Commission on Human Rights cannot contradict the resolutions of the Meeting of Consultation after rejecting the Honduran petition that El Salvador should be declared an aggressor. My Government is wholly convinced that the military and civilian observers appointed by the OAS organ of consultation to verify the cease-fire on Honduran territory are, because of the accuracy of the facts, the best corroboration that El Salvador has not violated human rights and that the Honduran accusation has no justification. Accordingly, my Government ventures to suggest that the Inter-American Commission on Human Rights should request the organ of consultation or, if appropriate, the Council of the organization, to send it true copies of the reports of the military and civilian observers referred to above, which my Government hopes have already been issued.

"At all events, my Government will promptly send the Commission the proof of its innocence and if such proof cannot be made ready for the special meeting on 5 August next, my Government respectfully requests that it be granted a new hearing in a further special meeting so as to submit the above-mentioned proof and also the documentation required to show that paragraphs 3 and 4 of section B of the conclusions of the preliminary report of the Inter-American Sub-Commission on Human Rights of 14 July 1969 are not true to the facts and, therefore, should be rectified."

I should be grateful if you would have this communication circulated as an official document of the Security Council.

(Signed) Felipe VEGA-GOMEZ
Chargé d'Affaires a.i.
of the Permanent Mission of El Salvador
to the United Nations

DOCUMENT S/9378

Letter dated 5 August 1969 from the representative of El Salvador
to the Secretary-General

[Original: Spanish]
[6 August 1969]

I have the honour to confirm the cable dated 4 August 1969 addressed to you by Dr. Francisco José Guerrero, the Minister for Foreign Affairs of El Salvador, in connexion with the cable you sent him appealing for a solution by peaceful means to the conflict between my country and Honduras.

On 19 July 1969, at about 1000 hours, while fishing in the sea off the coast of Trad Province, well within Thai territorial waters, the Thai fishing-boat "Singhangern", was fired upon by a Cambodian fishing-boat. Of the six-member Thai crew, Nai Somsak was shot dead, while Nai Prachuab and Nai Nit were injured.

The Royal Thai Government therefore lodges a strong protest against the aforementioned acts of armed intrusion, assault, plunder, banditry and general lawlessness committed by Cambodian soldiers and other armed elements against Thai territory, innocent and

peaceful Thai villagers living in the border areas, and their properties. It is our just demand that such senseless and criminal acts should be discontinued forthwith and for all time, and that all the culprits should be punished and stolen property returned to its right owners.

I should be obliged if you would circulate the text of this communication as a document of the Security Council.

(Signed) Anand PANYARACHUN
Acting Permanent Representative of Thailand
to the United Nations

DOCUMENT S/9433

Letter dated 5 September 1969 from the representative of Lebanon to the President of the Security Council

[Original: English]
[5 September 1969]

Upon instructions from my Government, I have the honour to bring the following facts to your attention.

At midnight on Thursday, 4 September 1969, two Israeli Super Frelon helicopters penetrated the air space of southern Lebanon and landed troops of the Israeli Armed Forces at the village of Halta in the region of Hasbaya. The raiders attacked civilian population and properties.

The attack resulted in one civilian Lebanese being killed and two wounded. Three houses were destroyed.

On Friday, 5 September 1969, at 2 p.m., units of the Israeli air force consisting of twenty jet planes attacked the villages of Al-Khourba, Al-Mary, Halta and Douhairajat, situated in southern Lebanon. The attack lasted one hour. Napalm bombs were used. The Israeli planes were met by anti-aircraft artillery and one of them received a direct hit and exploded on Lebanese territory south of the village of Teybeh.

These new acts of aggression committed by Israel demonstrate once more Israel's aggressive designs on Lebanon.

Israel has made no secret of these designs and has repeatedly threatened Lebanon's sovereignty and territorial integrity.

Israel's acts of aggression against Lebanon are in open defiance of the principles of international law, the United Nations Charter and the resolutions of the Security Council. They constitute added flagrant violations of the Armistice Agreement of 23 March 1949.

Israel's reliance on militaristic and aggressive power rather than on law and international morality is a consistent threat to the peace and security of Lebanon and the Middle East. She consequently assumes full responsibility for the extension of the area of fighting, the deterioration of the situation in the Middle East and world peace and security.

I respectfully request that this letter be circulated as a Security Council document.

(Signed) Edouard GHORRA
Permanent Representative of Lebanon
to the United Nations

DOCUMENT S/9438

Letter dated 9 September 1969 from the representative of Cambodia to the President of the Security Council

[Original: French]
[10 September 1969]

On instructions from my Government and further to my letter of 1 August 1969 [S/9375], I have the honour to draw your attention to the following, for the information of the members of the Security Council:

On 18 July, at about 9.45 a.m., an aircraft of the United States-South Viet-Nameese forces flew into Cambodian air space and fired five rockets at the Cambodian village of Cheung, in the commune of Cheam, district of Mimot (Kompong Cham).

A few minutes later, at about 10 a.m., three other United States-South Viet-Nameese aircraft operating close to the frontier near the above-mentioned Cambodian village dropped some bombs which fell 200 metres inside Cambodia. An inhabitant named Mom Sarin, aged twenty-five, was seriously wounded by the explosion of these bombs and was taken to Kompong Cham Hospital.

On 26 July 1969, at about 2 p.m., two helicopters of the United States-South Viet-Nameese forces opened

fire on a herd of buffaloes peacefully grazing near the frontier inside Cambodia in the commune of Thnar Thnong, district of Rumduol (Svay Rieng). Nine buffaloes were killed and twelve wounded. These buffaloes belong to the inhabitants of Thnar Thnong.

On 28 July 1969, at about mid-day, two other helicopters of the United States-South Viet-Nameese forces fired again on a herd of buffaloes peacefully grazing near the frontier inside Cambodia in the commune of Kompong Trach, district of Romeas Hek (Svay Rieng). Two buffaloes were killed and three others wounded. These buffaloes belonged to the inhabitants of Kompong Trach.

On the following day, 29 July 1969, at about 2 p.m., two other helicopters of the United States-South Viet-Nameese forces again attacked the herd of buffaloes peacefully grazing near the frontier in the commune of Daung, district of Romeas Hek (Svay Rieng).

The rockets fired by these two aircraft killed a sixty-year-old inhabitant—a buffalo herdsman named Pen Khat—and fourteen buffaloes and wounded four other buffaloes.

On 13 August 1969, at about 8.30 a.m., a reconnaissance aircraft of the United States–South Viet-Nam forces violated Cambodian air space and fired eight rocket shells approximately 800 metres inside the Cambodian–Viet-Nam frontier north-west of the village of Choeung, commune of Cheam, district of Mimot in Kompong Cham.

The exploding shells killed two inhabitants, named Ngo Chho and Ngo Chhaung, and wounded a third called Ngo Ly.

The Royal Government of Cambodia has protested vigorously against these deliberate attacks by United States–South Viet-Nam aircraft on Cambodian villages and inhabitants and herds of cattle inside Cambodia. It has demanded that the Governments of the United States of America and the Republic of Viet-Nam take appropriate steps to prevent the recurrence of such acts and to compensate the families of the victims.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9447

Letter dated 12 September 1969 from the representative of Jordan to the President of the Security Council

[Original: English]
[12 September 1969]

In my statement yesterday, 11 September 1969, before the Security Council [1509th meeting], I referred to communications of various kinds, such as telegrams and letters from officials of Governments, non-governmental organizations and institutions, including religious bodies and private individuals, sent to the President of the Security Council and the Secretary-General, emphasizing the outrage, shock and dismay of world public opinion at the crime of burning the Al Aqsa Mosque in Jerusalem on 21 August 1969, and calling for adequate United Nations action.

I attach herewith seventeen communications by Heads of States and Government officials, together with fifty-eight other communications of various kinds.*

I shall be grateful if you will arrange for the circulation of this letter and the annex thereto as an official document of the Security Council.

(Signed) Muhammad H. EL-FARRA
Permanent Representative of Jordan
to the United Nations

ANNEX

I

Communications from Heads of States and government officials

LETTER DATED 29 AUGUST 1969 FROM THE REPRESENTATIVE OF MALDIVES TO THE SECRETARY-GENERAL**

On the instructions of my Government, I have the honour to inform you that the Maldivian Government is deeply shocked and grieved by the grave event of 21 August 1969 when the Al Aqsa Mosque of Jerusalem was heavily damaged by arson.

In this connexion, the Maldivian Government and people join with the rest of the Muslim world in their anguish and sorrow and wish to associate themselves with the sentiments expressed in the telegraphic communication of 22 August 1969 [S/9407]*** addressed to Your Excellency and the President of the Security Council by the representatives of the Muslim countries, Members of the United Nations. We attach par-

* The texts of the attached communications were drafted in various languages.

** Previously issued as document S/9430.

*** For the text of this communication, see p. 177 below.

ticular importance to paragraph 5 of this communication and express the hope that suitable action along those lines will be taken as a matter of urgency.

I request that the text of this letter be circulated as a document of the General Assembly and the Security Council.

(Signed) Abdul SATTAR
Permanent Representative of the Republic
of Maldives to the United Nations

LETTER DATED 2 SEPTEMBER 1969 FROM THE REPRESENTATIVE OF THE UNION OF SOVIET SOCIALIST REPUBLICS TO THE SECRETARY-GENERAL****

May I ask you to circulate the attached TASS news agency statement concerning the burning of the Al Aqsa Mosque in Jerusalem as an official document of the Security Council of the United Nations.

(Signed) Y. MALIK
Permanent Representative of the Union of Soviet
Socialist Republics to the United Nations

Statement by the TASS News Agency

The Soviet public has learned with indignation of the burning, in the Arab part of Jerusalem occupied by Israel armed forces, of the Al Aqsa Mosque, one of the most ancient and unique monuments of Arab architecture in the Middle East, a site to which many of the faithful have made pilgrimages and which is considered to be one of the Moslem Holy Places.

This crime has aroused a wave of righteous rage and indignation throughout the countries of the Near and Middle East, Asia and Africa.

The Israel Government and the imperialist circles supporting the Israel aggression cannot but bear the responsibility for this act of vandalism. Furthermore, the occupiers are continuing their provocative acts against peaceful citizens. In response to peaceful protest demonstrations by the Arab population in Jerusalem, Nablus and other occupied towns, the Israel authorities have sent parachutists and sub-machine gunners to deal with the demonstrators.

The present Israel leaders, relying on the support of imperialist and Zionist circles in the West, have no wish to heed world public opinion; they defy the Charter of the United Nations and the principles of international law, and try to undermine any settlement of the conflict in the Middle East.

****Previously issued as document S/9426.

DOCUMENT S/9451

Letter dated 16 September 1969 from the representative of Cambodia
to the President of the Security Council

[Original: French]
[17 September 1969]

On instructions from my Government and further to my letter of 7 August 1969 [S/9380], I have the honour to communicate to you, for the information of members of the Security Council, the following facts:

During the period 29 July to 26 August 1969, the Royal Government of Cambodia recorded four cases of violations of Cambodian territorial waters in the province of Koh Kong by Thai fishing junks which came to engage in clandestine fishing on the dates and in the locations indicated below:

(a) On 29 July 1969, at approximately 9.30 p.m., a Thai junk was discovered engaged in clandestine fishing some 700 metres north of the island of Polowai.

(b) On 13 August 1969, at approximately 12.10 p.m., two Thai motor junks engaged in clandestine fishing were discovered in the area of Koh Kong island.

(c) On 24 August 1969 at approximately 4.30 p.m., another junk was discovered violating fishing rights approximately 700 metres north of the island of Polowai.

(d) On 26 August 1969, at approximately 8.15 a.m., a Thai junk was discovered some 1,500 metres west of the island of Koh Yar, engaged in the same activities.

The Royal Government of Cambodia has lodged a strong protest against the repeated violations of Cambodian territorial waters and the theft of fish by Thai junks engaged in clandestine fishing which dangerously reduces the resources of those waters. It has demanded that the Royal Government of Thailand should take appropriate steps to put an end to such acts.

I should be obliged if you would be good enough to circulate the text of this letter as a document of the Security Council.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9454

Letter dated 23 September 1969 from the representative of Cambodia
to the President of the Security Council

[Original: French]
[24 September 1969]

On instructions from my Government and further to my letter of 9 September 1969 [S/9438], I have the honour to bring the following facts to your attention for the information of the members of the Security Council:

On 3 August 1969, at about 3 p.m., two Cambodian inhabitants of the village of Koh Thnot, in the commune of Prek Kroeus in Kompong Trach (Kampot) were arrested by elements of the United States-South Viet-Nameese naval forces near the frontier and taken by force into South Viet-Nam.

On 13 August 1969, at about 11 a.m., two jet aircraft of the United States-South Viet-Nameese forces dropped bombs in an area about 300 metres from the Cambodia-South Viet-Nam frontier, in the commune of Thnar Thnong, district of Rumduol (Svay Rieng), killing a woman named Neang In Yang, aged forty-eight. A buffalo was also killed, another wounded.

On the same day, at about 1 p.m., elements of the United States-South Viet-Nameese forces from the Yun Tem post penetrated about 50 metres into Cambodia to steal thirteen buffaloes belonging to the Cambodian inhabitants of the commune of Samyong, in Kompong Rau (Svay Rieng).

On 14 August 1969, at about 8 a.m., a helicopter of the United States-South Viet-Nameese forces flew into Cambodian air space and fired several rockets at the Cambodian villages of Phum Thmey and Pra Khlam in Mimot (Kohpong Cham), wounding three villagers named: Mao Pol, aged 57; Tes Neang, aged 61; Neang Srey Hoer, aged 47.

On the same day, from 4.30 p.m. to 11 p.m., elements of the United States-South Viet-Nameese forces of the Moeung Sralinh post fired artillery in the direction of Cambodia. Several shells fell in the commune of Koh Rocar, in the district of Peam Chor (Prey Veng), wounding a soldier named Ken Sek, corporal, and an inhabitant named Vieng Yang Douk.

On 15 August 1969, at about noon, elements of the United States-South Viet-Nameese forces of the Kéo Ba post fired in the direction of Cambodia five shells which fell in the commune of Prasat Chantrea, wounding a Cambodian girl, aged twelve, named Neang Bou Kamroeun.

On the following day, at about 8.15 a.m., they again fired five shells into the same commune, seriously wounding an inhabitant named Nguyen Van Mau, aged sixty.

On 19 August, at about 1.30 p.m., two helicopters of the United States-South Viet-Nameese forces violated Cambodian air space and machine-gunned and bombed the Cambodian village of Kab Veng in the commune of Beng Sala in Kompong Trach (Kampot). During this attack, two villagers (Sru Chheng and his wife Neou Nhan) were seriously wounded and an ox was killed.

On 27 August, at about 1 a.m., an aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and dropped bombs on the village of Duk Polen in Pech Chenda (Mondulkiri). Four inhabitants of that village were killed, two others were seriously wounded and a house was burnt down as a result of the bombing.

On 30 August 1969, at about 3.40 p.m., an aircraft of the United States-South Viet-Nameese forces again violated Cambodian air space and opened fire on a herd of buffalo grazing about 8,000 metres within Cambodian territory in the commune of Dauntey in Ponhea Krek (Kompong Cham), killing six buffaloes and wounding four others.

On 1 September 1969, at about 2 a.m., a helicopter of the United States-South Viet-Nameese forces again violated Cambodian air space and fired rocket shells at the village of Phum O in the commune of Thmey in Kampong Rau (Svay Rieng). Hit by local defence fire, this aircraft crashed in the above-mentioned commune.

On 2 September 1969, at about 7.30 p.m., elements from the United States-South Viet-Nameese forces of Thanh Tri fired in the direction of Cambodia. Three

shells fell in the commune of Nhor in Kampong Rau (Svay Rieng), wounding two local inhabitants.

The Royal Government of Cambodia has protested vigorously against these deliberate attacks on Cambodian villages, which caused casualties among both people and animals, and against the theft of buffaloes and the kidnapping of our inhabitants by the United States-South Viet-Nameese air forces and other elements. It has demanded that the Government of the United States take appropriate steps to put an end to such unjustified attacks, to compensate the victims and to make good the loss of cattle.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9455

Telegram dated 23 September 1969 from the Minister for Foreign Affairs of the German Democratic Republic to the President of the Security Council*

[Original text: English]
[25 September 1969]

I have the honour to inform you that the Government of the German Democratic Republic welcomes the renewed discussion of the Namibia problem by the United Nations Security Council and fully supports resolution 269 (1969) of 12 August 1969. In conformity with the principles of the Charter and the resolutions of the United Nations the Government of the German Democratic Republic has always condemned the policy of colonialist and racist suppression and also has incorporated this principle in its socialist Constitution. Accordingly the Government of the German Democratic Republic also demands the cessation of the annexationist and suppressive policies of the Government of the Republic of South Africa in Namibia and the realization of the right of the people of that country to self-determination. It most strongly condemns the policy pursued by the Governments of the Federal Republic of Germany and other imperialist States in support of the racist régime of the Republic of South Africa against the people of Namibia, a policy which shows continued disregard for the resolutions of the United Nations Security Council and represents a permanent danger to peace and security in the world. The Government of the German Democratic Republic reaffirms its readiness and determination to continue supporting the national liberation movement in Namibia to the best of its abilities.

OTTO WINZER
Minister for Foreign Affairs
of the German Democratic Republic

* Circulated at the direction of the President of the Security Council.

DOCUMENT S/9456

Letter dated 26 September 1969 from the representative of Jordan to the President of the Security Council

[Original: English]
[26 September 1969]

Upon instructions from my Government, I have the honour to bring to Your Excellency's attention another oppressive and brutal campaign by Israel against Jordanian civilians in the occupied West Bank of Jordan.

In the towns of Al-Khalil (Hebron) and Beit Sahour, adjacent to Bethlehem, the citizens have been subjected to different kinds of intimidation, economic strangulation, arbitrary arrests and torture. Both towns

have been under a state of Israeli military seige reminiscent of medieval ages.

The Israeli occupying authorities have ordered the closure of the central market where vegetables, fruits, meat and other materials are bought and sold, as well as the poultry and the clothes markets.

The *Jerusalem Post* of 21 September 1969, reported that "Over 40 local stores, in the old market place . . . were ordered closed and their keys were seized". It

DOCUMENT S/9474*

Letter dated 14 October 1969 from the representative of the United Arab Republic
to the Secretary-General

[Original: English]
[15 October 1969]

Upon instructions from my Government, I have the honour to bring to your urgent attention the following.

The Israeli occupying forces in Gaza have subjected Miss Fatma Abdel Fattah El-Nigueli, a citizen of the United Arab Republic and a member of the staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to illegal arrest and arbitrary trial.

An Israeli military court imposed on her a sentence of imprisonment in flagrant disregard of the immunity from jurisdiction which she enjoys as an official of the United Nations in accordance with Article 105 of the Charter of the United Nations and article V, section 18, of the Convention on the Privileges and Immunities of the United Nations.⁷

The persecution and arbitrary and illegal measures committed by the Israeli authorities against Miss El-Nigueli, whose only crime in the eyes of the Israeli

occupying authorities is the humanitarian and noble aid she renders as a nurse to her fellow inhabitants of Gaza suffering under the ruthless Israeli oppression, are furthermore a violation of the Geneva Convention of 1949.

This latest violation by Israel of the norms of civilized conduct has extended the scope of Israeli violations to include the disregard for the status and immunities of the officials of the United Nations whose protection the United Nations has the duty to ensure.

The United Arab Republic Government would like to elicit your assistance in facilitating the prompt respect of the rights of Miss El-Nigueli.

I have the honour to request the circulation of this letter as an official document of the Security Council and the General Assembly.

(Signed) Mohammed Hassan EL-ZAYYAT
Permanent Representative of
the United Arab Republic
to the United Nations

* Also circulated as a General Assembly document under the symbol A/7711.

⁷ See General Assembly resolution 22 A (I).

DOCUMENT S/9475

Letter dated 14 October 1969 from the representative of Cambodia
to the President of the Security Council

[Original: French]
[15 October 1969]

On instructions from my Government and further to my letter of 23 September 1969 [S/9454], I have the honour to inform you of the following, for the information of the members of the Security Council.

On 27 August 1969, at about 5.30 p.m., members of the United States-South Viet-Nameese armed forces from the Trapeang Robang post fired ten artillery shells which fell inside Cambodian territory. The explosion of the shells caused damage to the monastery of Wat Prek Pork. A monk named Keo Tep from the monastery was wounded by the shell fire.

On 3 September 1969, at about 7 p.m., members of the United States-South Viet-Nameese forces from the Thanh Tri post also fired three shells in the direction of Cambodia. The shells fell in the commune of Nhor, district of Kompong Rau (Svay Rieng), but caused no damage.

On the same day, at about 11 p.m., members of the same forces, from the Kinh Thay Bang post, fired some thirty more shells into Cambodian territory. Ten shells fell into Lake Beng Khveng Traneak, fifteen into Lake Beng Veng and another six to the south of the village of Veang Keo, commune of Sampeou Poun in Koh Thom (Kandal), seriously damaging a house belonging to one Chheng Lorn.

On 5 September 1969, at about 9.15 p.m., three helicopters of the United States-South Viet-Nameese forces, guided by an observation aircraft, violated Cambodian air space and opened fire on a locality situated about 1,500 metres from the Cambodian-South Viet-Nameese frontier, in the commune of Samrong in

Chantrea (Svay Rieng), damaging two houses belonging to the inhabitants Tag Yun and Thong Sdoeung respectively.

On 7 September 1969, at about 5.45 p.m., members of the United States-South Viet-Nameese forces from the Ben-Xoi post fired four shells into Cambodian territory in the commune of Bos Mon, in Rumduol (Svay Rieng), damaging the rice crop in the commune over an area of several hectares.

On 11 September 1969, at about 2 a.m., United States-South Viet-Nameese forces from the Ben-Xoi post fired five more shells into Cambodian territory in the commune of Kokisom, in Rumduol (Svay Rieng), damaging the house of a woman named Neang Sok Neang and wounding three oxen belonging to her.

On 12 September 1969, at about noon, an aircraft belonging to the United States-South Viet-Nameese air forces dropped a number of bombs on a locality situated 1,500 metres inside Cambodia, in the commune of Mesar Thngäk in Chantrea (Svay Rieng). Considerable damage to the rice crops has been reported.

On 14 September 1969, at about 2 p.m., another aircraft of the same forces again violated Cambodian air space and fired two rockets at a locality situated about 800 metres inside Cambodia, in the commune of Kokisom in Rumduol (Svay Rieng), killing a buffalo belonging to an inhabitant named Som Kham and wounding six others belonging to two villagers named Rath Tha and Yun San.

On the same day, at about 8.15 a.m., United States-South Viet-Nameese forces from the Ben-Xoi post again

fired five shells into Cambodian territory in the commune of Kompong Ampil in Rumduol (Svay Rieng), about 5,000 metres from the Cambodian-South Viet-Namease frontier. The explosion of these shells caused very extensive damage to the rice crops of that commune.

On 15 September 1969, at about 8.15 p.m., United States-South Viet-Namease forces, in a skirmish with the Viet Cong close to the frontier, fired several shots in the direction of the Cambodian village of Prek Chak, commune of Russey Srok in Kompong Trach (Kampot). One female resident named Neang Siv Kok sustained serious bullet injuries.

On 16 September 1969, at about 8 p.m., United States-South Viet-Namease forces from the Chai Vang post fired artillery shells at the Cambodian village of Angkor Ang, commune of Peam Montea in Kompong Trabek (Prey Veng). An eight-year-old child named Ream Kry was seriously wounded by the shell fire.

On the same day, at about 8.30 p.m., United States-South Viet-Namease forces from the Thanh Tri post fired three shells which fell about 1,000 metres inside Cambodia, in the commune of Khset in Kompong Rau (Svay Rieng), causing the following casualties:

One person seriously injured: a seventeen-year-old girl named Neang Oum Em; Eight persons slightly injured, named: Mom Phan, Chan Sem, Chea Oy Neang Mom Am, Neang Ngoy Sang, Neang Ngoy Sim, Neang Ngoy Seth and Oum Soeun.

On 17 September 1969, at about 1.30 p.m., United States-South Viet-Namease forces from the Kinh Thay Bang post fired eight shells which fell about 200 metres inside Cambodia, in the commune of Sampeou Poun in Koh Thom (Kandal). One resident of the commune was slightly wounded by the shell fire.

On 18 September 1969, at about 9 p.m., two motor launches of the United States-South Viet-Namease forces sailing on the Mekong fired four shells which fell about 200 metres inside Cambodia, again in the above-mentioned commune, wounding two inhabitants.

On 21 September 1969, at about 1 a.m., some sixty members of the United States-South Viet-Namease forces made a raid into Cambodian territory at the village of Chetor, commune of Thnot Chong Srang in Banteay Meas (Kampot). They pillaged the inhabitants of the village and attacked Cambodian defence forces at the Thnot Chong Srang post.

This attack resulted in the following casualties: one agent of the Royal Police, named Phan Sauth, and eight inhabitants injured.

On the same day, at about 6 a.m. United States-South Viet-Namease forces from the Cai Vang and Tan Thanh posts fired some fifteen shells which fell about 500 metres inside Cambodian territory, in the village of Angkor Ang, commune of Banteay Chakrey in Kompong Trabek (Prey Veng). Two buffaloes and one ox were killed by the shell fire.

On 23 September 1969, at about 9.45 a.m., United States-South Viet-Namease forces from the Kinh Thay Bang post fired three more shells, which fell about 500 metres inside Cambodia, in the village of Veang Keo, commune of Sampeou Poun in Koh Thom (Kandal).

The following casualties resulted from the explosion of the shells: one inhabitant killed; five inhabitants injured; defence post quarters and four houses damaged; one Garand M 1 rifle out of order.

On the same day, at 1.30 p.m., three aircraft of the United States-South Viet-Namease forces, guided by two observation aircraft, violated Cambodian air space and bombed and machine-gunned the Cambodian village of Setkramuon about 4,000 metres from the Cambodian-South Viet-Namease frontier in the commune of Peam Montea in Kompong Trabek (Prey Veng).

The attack caused damage to persons—two inhabitants injured, one in a serious condition, and to cattle—several oxen killed and injured.

The Royal Government of Cambodia has protested strongly against these deliberate attacks on peaceful Cambodian inhabitants and on Cambodian defence forces by the United States-South Viet-Namease air and ground forces, causing loss of life and injuries among civilians and police personnel, as well as cattle, and also considerable damage to property. It has demanded that the Government of the United States of America take appropriate steps to put an end to such attacks, to compensate the victims and to make good the loss of material property and cattle.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9476

Letter dated 13 October 1969 from the Minister for Foreign Affairs a.i. of Portugal
to the President of the Security Council

[Original: English/Portuguese]
[16 October 1969]

I have the honour to inform you, further to the communications already sent on the subject, that, as a consequence of the action taken by the Security Council in adopting resolutions 221 (1966) and 232 (1966) of 9 April and 16 December 1966 respectively, and 253 (1968) of 29 May 1968, the Portuguese province of Mozambique continues to suffer great economic losses which seriously prejudice the life and development of the Territory.

In a note addressed to the President of the Security Council on 20 March 1968 and published as document

S/8481, the Portuguese Government drew the attention of the Security Council to this situation and informed it that the losses suffered by Mozambique up to the end of 1967 amounted to a total of more than 17 million pounds sterling.

I have the honour to inform you, for all relevant purposes, that in the course of 1968 and during the first half of this year the losses of the province of Mozambique amounted to £11,438,722, broken down as indicated in the annex to this letter.

lateral resolutions and agreements in keeping with the spirit underlying the Declaration of the Presidents of America,

Decides:

1. To express its fraternal feelings to the Governments of the States comprising the Central American Common Market and to urge them to promote the cause of integration;

2. To recommend to the Governments of El Salvador and Honduras to begin talks with the other Governments of the isthmus aimed at reaching a regional consensus conducive to a revision of the present structure of the Central American Common Market designed to improve its operation with a view to raising the level of living of the inhabitants of the region.

VI. Claims and differences

The thirteenth Meeting of Consultation of Ministers of Foreign Affairs,

Considering:

That, in paragraph 4 of resolution II of 30 July 1969, the Meeting of Consultation took note of the fact that the Governments of El Salvador and Honduras had agreed to submit the claims and differences existing between them to any of the procedures of pacific settlement provided for in the American Treaty on Pacific Settlement ("Pact of Bogotá"), to which both countries are Parties, or, failing this, to submit them to the procedure of arbitration, in accordance with that Pact, and

That the Parties should first reach agreement on the choice of the procedure to which they will submit their differences,

Decides:

To remind the Governments of El Salvador and Honduras of the contents of paragraph 4 of resolution II of the Organ of Consultation dated 30 July 1969, concerning their agreement to submit the claims and differences existing in connexion with the conflict to the procedures of pacific settlement.

VII. Human rights and the family

The thirteenth Meeting of Consultation of Ministers of Foreign Affairs,

Considering:

That in its declaration of 30 July 1969 the Organ of Consultation establishes that the status of immigrants is governed by the laws of the countries in which they are resident but that this principle should be applied with the greatest respect for the protection of human rights, which have constantly been reaffirmed by the States members of the Organization,

Decides:

1. To recommend to the Governments of El Salvador and Honduras that, when applying their respective national laws to aliens, they should display the greatest respect for human rights and, in particular, for the rights to life, personal safety, freedom, property and the family;

2. To repeat the request previously made to the Committee of the Organ of Consultation to continue, in co-operation with the Inter-American Commission on Human Rights, to ensure strict observance of the resolutions on Human rights adopted by the Organ of Consultation.

(Signed) GALO PLAZA
Secretary General of the Organization
of American States

DOCUMENT S/9491

Letter dated 28 October 1969 from the representative of Cambodia
to the President of the Security Council

[Original: French]
[29 October 1969]

On instructions from my Government and further to my letter of 14 October 1969 [S/9475], I have the honour to inform you of the following, for the information of the members of the Security Council.

On 1 October 1969, from 7.20 until 9 a.m., members of the United States-South Viet-Nameese armed forces machine-gunned the Cambodian village of An-long Char, commune of Banteay Chakrey, district of Preah Sdech (Prey Veng), killing a villager named Yin Neou. An ox and a pig were also killed.

On 6 October 1969, at about 4 a.m., three aircraft of the United States forces in South Viet-Nam violated Cambodian air space and dropped about fifty bombs on the Cambodian villages of Lam Piak, Stung Say and Khley in the commune of Choam Kravien in Ménot (Kompong Cham). Six villagers were killed by this bombing. Their names are as follows: Prey Has, aged 32; Nuon Lous, aged 22; Neang Socung Hin, aged 29; Neang Prey San, aged 6; Prey Tit, aged 3; Prey Nout, a three-month-old baby. One house was destroyed, some poultry were killed and an ox was wounded.

On 9 October 1969, at about 9 p.m., members of the United States-South Viet-Nameese forces, on board

two motor-boats proceeding along the Giang Thanh river in South Viet-Nam, directed bursts of fire from automatic weapons for approximately fifteen minutes at the village of Prek Prous, commune of Prek Kroeus in Kompong Trach (Kampot). A Cambodian woman resident named Yil Yun was killed.

The Royal Government of Cambodia has lodged an indignant protest against the deliberate bombing and firing by United States-South Viet-Nameese forces, causing loss of human life and damage to the property of peaceful Khmer citizens. It has demanded that the Government of the United States of America should take appropriate steps to put an end to such acts, to compensate the victims and to make good the losses they have suffered.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9502

Letter dated 12 November 1969 from the representative of Cambodia
to the President of the Security Council

[Original: French]
[14 November 1969]

On instructions from my Government and further to my letter of 28 October 1969 [S/9491], I have the honour to inform you of the following, for the information of the members of the Security Council.

On 2 October 1969 about 10.45 a.m., two aeroplanes of the United States-South Viet-Nameese forces violated Cambodian air spaces and fired rockets at the hamlet of Cheas Russey Chas, commune of Kompong Chamlang, district of Svay Teap (Svay Rieng). Two houses were set on fire by the rockets.

On 3 October, about 3.30 p.m., members of the United States-South Viet-Nameese forces from the Rung Dau military post fired mortars into Cambodian territory. Three shells fell about 500 metres inside the frontier in the commune of Bavet (Svay Rieng). The shell-bursts wounded one inhabitant.

On 4 October 1969, about 3.30 p.m., members of the United States-South Viet-Nameese forces from the military post of Rung Dau (South Viet-Nam) fired 81 mm mortars into Cambodian territory. Several shells fell in the region of Samrong, district of Chantrea province of Svay Rieng, seriously wounding two Cambodian villagers, Nuth Van and Nhem Sarann.

On 6 October 1969, between 6.20 p.m. and 8.50 p.m., members of the United States-South Viet-Nameese forces from the Tan Thanh, Cai Vang and Vinh Dien military posts (South Viet-Nam) fired mortars and cannon into Cambodian territory. Several shells fell in the localities of Peam Montea, Set Kramuon and Tuol Neak Ta Pram Chong, in the province of Prey Veng killing eight inhabitants of these localities instantly, and wounding one. In addition, two oxen, one buffalo and ten pigs were killed.

On 14 October 1969, about 11 a.m., a helicopter from the United States-South Viet-Nameese forces violated Cambodian air space and fired three rocket shells in the neighbourhood of the Cambodian post of Dak Dam, province of Mondulhiri.

On 15 October 1969, at about the same time, five helicopters of the United States-South Viet-Nameese forces violated Cambodian air space and machine-gunned the Dak Dam post, damaging local buildings. The vigorous return of the fire by the Cambodian defence forced the helicopters to withdraw in the direction of South Viet-Nam.

On 18 October 1969, about 11 a.m., three helicopters of the United States-South Viet-Nameese forces violated Cambodian air space, machine-gunning and firing rockets against the military post and the primary school of Dak Dam, Mondulhiri province. The following damage was reported:

Material damage: four military huts damaged; two of the primary school huts hit.

Personal damage: three persons seriously wounded: Ou Chin, school teacher; N'krak Sareth, schoolgirl, 15 years of age; Yar Y'rok, schoolgirl, 16 years of age.

On 19 October 1969, about 9.15 a.m., a helicopter belonging to the same forces again attacked the military post of Dak Dam. The attack on this occasion caused material damage to the post.

On 22 October 1969, about 9.30 a.m., eight helicopters of the same armed forces returned and attacked the military post of Dak Dam with machine-guns and rockets. In particular, a hut with the roof plainly marked "CAMBODIA" was hit. The hut, used as quarters for the personnel of the post, suffered serious damage. Most of the property and clothing was destroyed.

On 24 October 1969, about 8.30 a.m., ten helicopters of the United States-South Viet-Nameese forces again for the sixth time attacked the military post of Dak Dam with machine-guns and rockets. A hut was destroyed in the attack.

One of the helicopters was hit by fire from the Cambodian defences of the post and crashed in South Viet-Nameese territory.

The Royal Government of Cambodia has protested strongly against these acts of aggression committed almost daily by the United States-South Viet-Nameese forces against Cambodia and its peaceful inhabitants. It has demanded that the United States Government take appropriate steps to put an end to these reprehensible acts, to compensate the victims and to make good the damage.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) Huot Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9503

Letter dated 12 November 1969 from the representative of Cambodia
to the President of the Security Council

[Original: French]
[14 November 1969]

On instructions from my Government and further to my letter of 28 October 1969 [S/9492], I have the honour to inform you of the following, for the information of the members of the Security Council.

On the morning of 15 October 1969 about 10 o'clock, a band of Thai pirates, about twenty in number, penetrated into Cambodian territory at the point known as Dey Krahâm, about 1,000 metres inside the frontier, in the

consultation with the parties directly concerned, I have appointed as Force Commander, in succession to General Martola, Major-General Dewan Prem Chand of India.

Major-General Prem Chand, who has had a notable career in the armed forces of his own country, has also previously served the United Nations with great distinction in the United Nations Operation in the Congo as the General Officer Commanding the Katanga Area from April 1962 until March 1963. It will be recalled that it was during the period of Major-General Prem Chand's command in Katanga that the activities of the mercenaries in that area were finally brought to an end in pursuance of the decisions of the Security Council.

Major-General Prem Chand will take up the command of the Force in Cyprus on the departure of Lieutenant-General Martola from the island on 20 December 1969.

DOCUMENT S/9522

Letter dated 2 December 1969 from the representative of Cambodia
to the President of the Security Council

[Original: French]
[3 December 1969]

On instructions from my Government and further to my letter of 12 November 1969 [S/9502], I have the honour to inform you of the following, for the information of the members of the Security Council.

On the night of 6 October 1969, at about 9 p.m., three aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and bombed the commune of O-Raing in Mondulhiri.

On the night of 7 to 8 October 1969, at about 8.20 p.m., members of the United States-South Viet-Nameese forces from the Cai-Vang post fired artillery into Cambodian territory. Several shells fell near the post of Svay A-Ngong and the hamlet of Saning, commune of Cham, district of Kompong Trabèk (Prey Veng).

On 8 October, at about noon, an aircraft of the United States-South Viet-Nameese forces flew over the hamlet of Set Kramuon, commune of Peam Montea, district of Kompong Trabèk (Prey Veng).

On the night of 8 to 9 October 1969, from 7.15 p.m. to 8.35 p.m., members of the United States-South Viet-Nameese forces from the Cai-Vang, Tan-Thanh and Vinh-Dien posts fired artillery into Cambodian territory. About ten shells fell in the region of Peam Montea and about twenty in that of Tuol Vihear, district of Kompong Trabèk (Prey Veng).

On the same night, at about 1.30 a.m., forces from the Cai Vang post (South Viet-Nam) again fired into Cambodian territory. Twenty-seven shells fell in the region of Peam Montea and thirteen in the vicinity of Svay A-Ngong, district of Kompong Trabèk (Prey Veng).

On 9 October 1969, at about 2.25 p.m., an aircraft of the United States-South Viet-Nameese forces fired three rockets into Cambodian territory, about 500 metres from the frontier, in the commune of Koh Sampeou, district of Peam Chor (Prey Veng).

On 10 October 1969, at about 9 a.m., a helicopter of the same forces flew over the Cambodian hamlets of Prey Khia and Set Kramoun, in the commune of Peam Montea (Prey Veng).

On the night of 11 to 12 October 1969, at about 8 p.m., the Cambodian post of Peam Montea, district of Kompong Trabèk (Prey Veng), was deliberately attacked by mortar fire by United States-South Viet-Nameese forces from the Tan-Thanh post.

On the same night, at about 8.20 p.m., five helicopters and two Skyraider aircraft of the United States-South Viet-Nameese forces penetrated Cambodian air space and machine-gunned and fired rockets at a locality situated about 700 metres from the frontier, in the commune of Koh Sampeou, district of Peam Chor (Prey Veng).

On 12 October 1969, at about 4.30 p.m., United States-South Viet-Nameese forces from the Thmar Dar post fired artillery into Cambodian territory. The explosion of three shells which fell in the commune of Samyong, district of Kompong Rau (Svay Rieng), caused the following losses: one villager killed: Yos Soeung; two villagers wounded: Neang An Soeun and Neang Sao Ya; one ox killed and one wounded.

On the night of 12 to 13 October 1969, at about 7.25 p.m., two vessels of the United States-South Viet-Nameese fleet violated Cambodian territorial waters and fired several bursts with automatic weapons and several mortar shells at the Royal Khmer Police Post of Prey Khmuonh, in the commune of Som, district of Kirivong, province of Takéo. The roofs and walls of the living quarters of the staff of the post were struck and riddled with bullets. The Cambodian post had to return the fire in order to stop the attack.

On the same night a twin-engine aircraft and an observation aircraft of the United States-South Viet-Nameese forces violated Cambodian air space over the commune of Peam Montea, district of Kompong Trabek (Prey Veng), at about 8.15 and 8.45 p.m.

On the same night, at about 1.45 a.m., the same post of Peam Montea was subjected to artillery fire coming simultaneously from the United States-South Viet-Nameese posts of Cai-Vang and Vinh-Tien.

On the same night, at about 3.30 a.m., a helicopter of the United States-South Viet-Nameese forces violated Cambodian air space and fired several bursts with automatic weapons in the commune of Krapum Chhouk, district of Preah Bat Chean Chum, province of Takéo.

On the night of 13 to 14 October 1969, at about 9.30 p.m., United States-South Viet-Nameese forces from the post of Kinh-Thay-Bang fired artillery into Cambodian territory. Eight shells fell about 200 metres south-east of the Bac-Nam pagoda, district of Koh

Thom, province of Kandal, damaging the roof of a house belonging to Le Suon.

On the same night, from 12.50 to 2.25 a.m., forces of the United States-South Viet-Nameese post of Tan Thanh again directed mortar fire into Cambodian territory. Ten shells fell in the region of Peam Montea, district of Kompong Trabèk (Prey Veng).

On 14 October 1969, at about 10.10 a.m., two helicopters of the United States-South Viet-Nameese forces violated Cambodian air space over the regions of Andaung, Koh Skar and Koh Sampeou, in the district of Peam Chor (Prey Veng).

On the same day, at about 3.15 p.m., three helicopters of the United States-South Viet-Nameese forces violated Cambodian air space over the communes of Tanou and Tros, in the district of Romduol, province of Svay Rieng. The violation of air space was followed by rocket fire against the local inhabitants. Two villagers, Tith Sou and Néant Sek Prok, were wounded and one ox was killed and two wounded.

On the night of 14 to 15 October 1969, at about midnight, two fighter planes and three helicopters of the United States-South Viet-Nameese forces violated Cambodian air space and machine-gunned and fired rockets at a locality situated about 3,500 metres from the frontier, in the commune of Ta-Or, district of Kirivong, province of Takéo.

On the same night, at about 1.30 a.m., the same forces of the posts of Long-Binh A and Long-Binh B fired several bursts with automatic weapons into Cambodian territory. The Royal Police Post of Prek Sbau, in the district of Koh Thom (Kandal) was struck by several bullets, which left visible marks.

On the same night, at about 4 a.m., a shell fired by United States-South Viet-Nameese forces from Nha-Ba-Dinh fell inside the above-mentioned Prek Sbau police post, wounding two members of the Royal Police, Buth Kea and Mao Sun.

On the night of 16 to 17 October 1969, at about midnight, United States-South Viet-Nameese forces from the post of Thanh-Tri fired five artillery shells into Cambodian territory, about 500 metres from the frontier, in the commune of Khset, district of Kompong Rau (Svay Rieng). These shells injured three buffaloes belonging to local inhabitants, Chhoun Min and Sprey Doeur.

On 17 October 1969, at about 9.15 a.m., five helicopters of the United States-South Viet-Nameese forces penetrated into Khmer air space and fired rockets and directed several bursts of fire with automatics at an area situated about 1,500 metres from the frontier, in the commune of Peam Montea, district of Kompong Trabèk (Prey Veng).

On the night of 17 to 18 October 1969, members of the United States-South Viet-Nameese forces penetrated into Cambodian territory in the area of Sampang, in Kandal, situated about eighteen kilometres from the frontier, where they split up into two groups.

A mixed Cambodian defence force was alerted and pursued the first group, estimated to consist of about twenty men. A clash occurred at about 10.30 p.m., in the village of Tuol Svay, near the Sampan Pagoda, district of Koh Thom, province of Kandal, in which two members of the Cambodian defence forces and one monk from the Sampan Pagoda were wounded.

These were: Moeung Yom, Deputy Head of the Koh Thom district; Men Chan, monk from the Sampan Pagoda; Kong Veng, of the Provincial Guard.

At about 11.30 p.m. the second group, estimated to consist of about thirty men, penetrated the area of Chruobi Snor, commune of Prek Tonléa, district of Koh Tom, in Kandal, about ten kilometres from the frontier. They pillaged the locality, carrying away with them the property listed below, belonging to local inhabitants: 30,000 riels belonging to Ham San; 2 taels of gold and clothing belonging to Im Sreng; 1 motor sampan and 5,000 riels belong to Em Thon; 1 sampan belonging to Im Pheng; 1 chi of gold, one radio receiver and clothing of Neang Phlauh Phan; 5 chi of gold, a radio receiver and clothing belonging to Hong Kry; 1 motor sampan, a radio receiver and 3,000 riels belonging to Kan Sreng; 1,000 riels and clothing belonging to Neang Khlauk Sour; 1 wrist watch and clothing belonging to Yin Try. Before withdrawing, the intruders set fire to a hangar belonging to the owner of a fishing rights area, Mouth Horn.

On the same night at about 11 p.m., forces from the post of Thanh-Tri deliberately fired artillery into Cambodian territory. Three shells, which fell about 1,000 metres inside the frontier, in the commune of Khset, district of Kompong Rau (Svay Rieng), caused the following damage: 1 buffalo killed; 2 buffaloes wounded; 3 dwellings destroyed; 1 cart damaged; 2 sacks of rice burnt; 30 kilogrammes of paddy burnt.

On the night of 18 to 19 October 1969, at about 8.35 p.m., an aircraft of the United States-South Viet-Nameese forces violated Cambodian air space by flying over the hamlet of Chan Nang Teak, in the commune of Peam Montea, district of Kompong Trabèk (Prey Veng).

On the same night, at about 9 p.m., members of the group reinforcing the Cambodian post of Prek Chrey had a clash lasting five minutes with about ten members of the United States-South Viet-Nameese forces on board two sampans, about 1,500 metres from the frontier, in Cambodian territory, in the village of Prek Chrey, district of Koh Thom, province of Kandal.

A fisherman, Tim Huong, fifteen years old, was killed by the fire of the intruders.

On 20 October 1969, at about 2 p.m., the Cambodian guards of the island called Koh Thbal, province of Kampot, surprised a South Viet-Nameese fishing junk in Cambodian territorial waters, about 600 metres from the island. When the guards fired a warning shot, the vessel fled in the direction of Hatien (South Viet-Nam).

On 21 October 1969 at about 12.30 p.m., two South Viet-Nameese fishing junks again violated Cambodian territorial waters, 350 metres south-east of the island called Koh-Sès, province of Kampot. These vessels fled towards Koh Trâl when a warning shot was fired by the Cambodian guards on the island.

On 2 November 1969 at about 5 p.m., two helicopters of the United States-South Viet-Nameese forces, supported by two jet aircraft, flew over the Cambodian military post of Dak Dam, in Mondulkiri, and machine-gunned a Cambodian battery known as the Gara battery, stationed in that area.

It should be noted that this was the seventh attack on the post of Dak Dam since 14 October by aircraft of the United States-South Viet-Nameese forces.

The Royal Government of Cambodia has made vigorous and indignant protests against these repeated violations of Cambodian territory, air space and territorial waters, followed in some cases by criminal attacks deliberately carried out by members of United States-South Viet-Nameese forces against Khmer posts, villages and the peaceful inhabitants of the frontier area. It has demanded that the United States Government take appropriate steps to put an immediate end

to such openly hostile and serious acts, to compensate the victims and to make good the damage.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENTS S/9524 AND ADD.1*

Letter dated 2 December 1969 from the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Kenya, Lesotho, Liberia, Libya, Madagascar, Mali, Mauritania, Mauritius, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia to the President of the Security Council

[Original: French]
[3 December 1969]

The African States, acting on behalf of their respective Governments, have the honour, by this letter, to support the request for the convening of the Security Council made by the representative of Senegal following the recent deliberate violations of the territorial integrity of the Republic of Senegal by Portugal [S/9513].

In doing so, the African States consider that they are not only complying with the relevant provisions of the Charter of the Organization of African Unity but are also demonstrating their active solidarity with the sister Republic of Senegal at a time when it is experiencing loss of life and considerable damage as a result of shelling by the Portuguese regular army. This, to be sure, is unfortunately not the only act of aggression by Portugal against an African State. As early as 1963 Senegal was attacked. The Democratic Republic of the Congo, the Republic of Zambia and the Republic of Guinea have experienced and are still experiencing acts of aggression against their territory. The Republic of the Congo (Brazzaville), too, has very often been the victim of shelling by Portugal. The United Republic of Tanzania has experienced attacks on its territorial integrity as a result of acts of aggression by Portugal. All these facts are known to the members of the Security Council, which has already adopted resolutions condemning Portugal for its attacks against these African territories.

The request by the African States for the convening of the Security Council was made in accordance with

* Document S/9524/Add.1 dated 4 December 1969 indicated the addition of Burundi to the signatories of the letter.

the Charter of the Organization of African Unity, which places an obligation on all member States to "promote the unity and solidarity of the African States" and "to eradicate all forms of colonialism from Africa".

Senegal has been attacked because it has complied with the Charter of the Organization of African Unity and because it has, like all African States, carried out the resolutions of the Organization of African Unity and the United Nations which condemn Portugal for its refusal to grant the right of self-determination to the African peoples under its domination.

Africa therefore feels concerned at the constant threat posed by the regular forces of the Portuguese Army in its war of reconquest in Angola, Mozambique and Guinea (Bissau). At its numerous meetings, the Organization of African Unity has, by overwhelming majorities, consistently condemned the defiant attitude adopted by the fascists in Lisbon notwithstanding the resolutions adopted by both the General Assembly and the Security Council of the United Nations.

The Organization of African Unity has felt and continues to feel concerned at the threats and acts of aggression constantly committed by Portugal against the African States bordering on the Territories which are under Portuguese domination.

The African States, in reiterating their confidence in the Security Council, express the hope that that important body will be able to meet the situation and take the necessary action to put an end to these acts of overt aggression, thereby acting in accordance with Chapter VII of the Charter of the United Nations.

Signed by the representatives of the following States Members of the United Nations:

Algeria	Ethiopia	Mali	Sudan
Burundi	Gabon	Mauritania	Togo
Cameroon	Ghana	Mauritius	Tunisia
Central African Republic	Guinea	Morocco	Uganda
Chad	Ivory Coast	Niger	United Arab Republic
Congo	Kenya	Nigeria	United Republic of Tanzania
(Brazzaville)	Lesotho	Rwanda	Upper Volta
Congo (Democratic Republic of)	Liberia	Senegal	Zambia
Dahomey	Libya	Sierra Leone	
	Madagascar	Somalia	

Mobile equipment damaged: six Russian GAS 63 gun carriers; two Dodge 4x4; five GMC trucks; five GMC dumper-trucks; one jeep; one Land Rover ambulance.

Arms damaged: six 37 mm guns; four 50-calibre machine-guns; eight 30-calibre machine-guns.

Radio sets damaged: three sets, consisting of 1 AN/GRC-9 and 2 AN/GRC-10.

The Royal Government of Cambodia has lodged a strong and indignant protest against these new attacks on and deliberate bombardment of the Dak Dam centre by the United States armed forces. It has demanded that the Government of the United States of

America take urgent steps to indemnify the victims, provide compensation for the damage caused and put an end once and for all to such attacks whose consequences are entirely the responsibility of the United States authorities.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
*Permanent Representative of Cambodia
to the United Nations*

DOCUMENT S/9527

Letter dated 3 December 1969 from the representative of Cambodia
to the President of the Security Council

[Original: French]
[4 December 1969]

On instructions from my Government and further to my letter of 3 December 1969 [S/9526], I have the honour to bring to your attention, for the information of the members of the Security Council, some additional details concerning the attack made by armed United States forces against the centre of Dak Dam, which was the subject of the aforementioned letter.

On 16 November 1969, starting at 7.45 a.m., the Cambodian military post of Dak Dam and its defence positions, as well as the settlement of Dak Dam (situated about seven kilometres inside the frontier), came under a heavy attack of napalm and fragmentation bombs and machine-gun fire from United States-South Viet-Nameese F-105 aircraft. At the same time, heavy artillery was directed from the Bu Prang (South Viet-Nam) post at the Cambodian installations while several United States-South Viet-Nameese helicopters relieved each other in order to continue their devastating action.

When this critical situation was judged to be untenable, the Cambodian military commander, at about 11.45 a.m., ordered the troops at Dak Dam to withdraw—first, to the Bu Rach junction (situated five kilometres north-west of Dak Dam), and later to Sèn Monorom. The withdrawal of the Cambodian troops to these different points was kept under observation by the United States-South Viet-Nameese aircraft.

At about 5 p.m., the area about Bu Chric, situated four kilometres north-east of Dak Dam, was bombed by United States B-52 aircraft.

At about 5.15 p.m., eight F-105 aircraft gave support to the artillery action being directed from the Bu Prang post against Dak Dam (previously evacuated) and its vicinity, and against the road from Dak Dam to the Bu Rach junction.

At about 5.25 p.m., the F-105 extended their action by bombing the area situated two kilometres south-west of O Raing.

At about 9.50 p.m., the first detachment of the Cambodian troops from Dak Dam, with four wounded, arrived at Sèn Monorom; the rest of the troops arrived at about 6 a.m. on 17 November 1969.

On 17 November 1969, at about 8.30 a.m., some F-105 renewed their attacks on Dak Dam and the surrounding area. At the same time, other aircraft kept Sèn Monorom and the Sèn Monorom-Dak Dam road continuously under observation throughout the day,

thus preventing the evacuation of casualties at Dak Dam.

Travel by vehicle between Bu Rach and Dak Dam is no longer possible because this segment is kept under continuous observation by the enemy aircraft and is struck by successive bombing and shelling.

For this reason, Sèn Monorom, being constantly under observation by United States-South Viet Nameese aircraft, is in its turn being threatened.

Between 3 p.m. and 7 p.m., there were, on two occasions, further shelling and machine-gunning of Dak Dam.

On 18 November 1969, between 5 a.m. and 6.15 a.m., the Cambodian post of Dak Dam was again subjected to United States-Republic of Viet-Nam air force artillery fire from South Viet-Nameese territory.

Between 7 a.m. and 6.30 p.m., various types (F-105, B-57) of United States-South Viet-Nameese aircraft made several flights over the Dak Dam, Sèn Monorom and O Raing areas.

During the morning, a bulldozer and three ambulances, together with nurses and stretchers, were sent to Dak Dam in order that the road which had been damaged by the successive shelling and bombing since 16 November might be repaired and that the dead and injured might be brought out.

At about 11 a.m., the bulldozer and the ambulances were threatened by United States-Republic of Viet-Nam air force aircraft.

At about 12 noon 17 survivors from Dak Dam reached Sèn Monorom, while two L-19 and one F-105 United States-South Viet-Nameese aircraft flew over the Kéo Seima area and pursued the Cambodian 37mm battery that had been sent to Dak Dam.

At about 8.30 p.m., twelve more survivors reached Sèn Monorom.

On 19 November 1969, between 4.45 a.m. and 12.40 p.m., United States-South Viet-Nameese L-19, F-105, Dakota and Phantom aircraft, as well as helicopters, flew over Dak Dam, O Raing, Kéo Seima, Sèn Monorom and the surrounding areas.

Between 10 a.m. and 12.30 p.m., United States-South Viet-Nameese helicopters machine-gunned and bombed the Lapalkei, O Pam and Bu Ngeam (uninhabited) areas.

Between 2.30 p.m. and 4.30 p.m., two United States-South Viet-Nameese helicopters and one L-19 aircraft machine-gunned and fired missiles in the area situated five kilometres east of Lapalkei.

The results of the aforementioned attacks have been listed as follows:

Personnel: twenty-five killed; two missing; eight wounded.

Material: one AN/PRC-10 radio apparatus and accessory equipment destroyed; five GMC destroyed; one GAZ-63 lorry destroyed; one Jeep destroyed; one Dodge 4x4 destroyed; one Land Rover ambulance destroyed; five post huts burned down; one infirmary destroyed (including all medical equipment); one three-classroom school building destroyed; five houses destroyed; the village hall of Dak Dam commune damaged; numerous personal effects and furniture in the huts and houses destroyed.

Ordnance: one 37mm cannon destroyed; one 37mm cannon badly damaged; five automatic pistols, twelve

rifles, six light sub-machine-guns, ten heavy sub-machine-guns, one type-60 mortar, two type-30 machine-guns, three type-50 machine-guns and two carbines damaged.

Livestock: A number of head of cattle, buffaloes, horses, pigs, etc. killed.

The Royal Government has once again lodged an indignant protest against these attacks and has demanded that the Government of the United States of America take immediate action to compensate the victims, pay for the damage caused and put an end for all time to these attacks, which nothing can justify, against a sovereign and neutral country.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath

*Permanent Representative of Cambodia
to the United Nations*

DOCUMENT S/9528

Letter dated 4 December 1969 from the representative of Guinea to the President of the Security Council

[Original: French]
[4 December 1969]

Further to our letter of 2 December 1969 [S/9525] concerning the aggression committed by Portugal against the Republic of Guinea and having regard to the explanations provided in the said letter and to the solidarity shown us by the African group, I have the honour to inform you that the Government of the Republic of Guinea has decided to request you to convene a meeting of the Security Council to consider the vile aggression recently committed by the Portuguese colonial army against the territorial integrity of the Republic of Guinea.

Ambassador Abdoulaye Touré, the Permanent Representative, who is at present in the Republic of Guinea for consultations, will arrive in New York on 5 December with full information concerning this infamous act of Portuguese banditry.

(Signed) Mamady Lamine CONDÉ
*Chargé d'affaires a.i. of Guinea
to the United Nations*

DOCUMENT S/9530

Letter dated 4 December 1969 from the representative of Lebanon to the President of the Security Council

[Original: English]
[4 December 1969]

Upon instructions from my Government, I have the honour to bring to your attention the following.

On Wednesday, 3 December 1969, at 9 a.m., Israeli artillery has shelled the two villages of Chabaa and Kfar Chouba situated in the district of Al-Arkoub in Southern Lebanon. Following the shelling, units of the Israeli Air Force landed troops on Lebanese territory. These troops committed acts of violence against the civilian population and destroyed several houses in the two aforementioned villages.

The Lebanese Government strongly protests against this unprovoked and premeditated attack by regular Israeli forces against Lebanon.

This attack constitutes a flagrant violation of the Lebanese-Israeli Armistice Agreement,⁴⁰ of Lebanon's sovereignty and territorial integrity, of the principles of International law and of the provisions of the United Nations Charter.

⁴⁰ Official Records of the Security Council, Fourth Year, Special Supplement No. 4.

Lebanese territory. The latest attack took place on 13 December when the town of Metullah was shelled by Katyusha rockets and bazookas causing the death of two Israeli citizens. It is evident that in these circumstances Israel is obliged to take defensive measures for the protection of its territory and its population from armed attack.

It is significant that the letter from the representative of Lebanon does not even mention the cease-fire to which his Government is committed. I should like to reiterate, as stated in my letter to the Secretary-General of 25 August 1969 [S/9393/Add.2], that "having

accepted the cease-fire, it is the unquestioned duty of the Lebanese Government to prevent all violations of it from Lebanese territory whether by regular or by irregular forces. When Lebanon unequivocally accepts and effectively discharges this obligation the cease-fire will be properly maintained, and the situation will cease to be disturbing."

I have the honour to request that this letter be circulated as an official document of the Security Council.

(Signed) Yosef TEKOAH
Permanent Representative of Israel
to the United Nations

DOCUMENT S/9558

Letter dated 11 December 1969 from the representative of Cambodia to the President of the Security Council

[Original: French]
[15 December 1969]

On instructions from my Government and further to my letter of 3 December 1969 [S/9527], I have the honour to bring to your attention, for the information of the members of the Security Council, the following.

On the night of 13 to 14 October 1969, at about 7.40 p.m. the United States-South Viet-Nameese forces at the Vinh-Dien post shelled Cambodian territory for three hours. About twenty shells fell in the hamlet of Tuol Chek, approximately 2,000 metres from the frontier, in the commune of Peam Montea, district of Kompong Trabèk, province of Prey Veng.

During the night of 14 to 15 October 1969, from 11 p.m. to 3.30 a.m., the same forces at the Tan-Thanh post again fired about twenty mortar shells on the aforementioned commune of Peam Montea.

During the night of 18 to 19 October 1969, at about 7.45 p.m., the United States-South Viet-Nameese armed forces of the posts of Cai-Vang and Tan-Thanh shelled Cambodian territory. Fourteen shells fell approximately 1,000 metres inside the frontier, in the commune of Cham, district of Kompong Trabèk, province of Prey Veng, damaging one house and injuring one pig.

During the same night, at about 8.30 p.m., United States-South Viet-Nameese forces of the Tan-Thanh post shelled Cambodian territory. Seven shells fell in the Cambodian hamlet of Chan Nang Teak, in the commune of Peam Montea.

On 19 October 1969, at about 6.45 p.m., United States-South Viet-Nameese forces at the posts of Cai-Vang and Tan Thanh fired several artillery shells on the Cambodian villages of Cham and Rong, commune of Cham, district of Kompong Trabèk, province of Prey Veng. This shelling caused the following damage: one house destroyed and one ox wounded.

During the night of 19 to 20 October 1969, at about 9 p.m., the United States-South Viet-Nameese forces of the Thanh-Tri post fired ten artillery shells on the commune of Khset, district of Kompong Rau, province of Svay Rieng, destroying a house belonging to a person called Am Ya.

On 20 October 1969, at about 9.30 a.m., a Sky-raider aircraft belonging to the United States-South Viet-Nameese forces flew over Snoul, capital of the province of Kratié and returned to South Viet-Nam after circling several times.

During the night of 20 to 21 October 1969, at about 9.15 p.m., six helicopters of the United States-South Viet-Nameese armed forces violated Cambodian air space, firing rockets and machine-guns on the commune of Thnot Chong Srang, district of Banteay Meas (Kampot).

During the night of 22 October 1969, at about 10 p.m. soldiers of the United States-South Viet-Nameese forces of the Thanh-Tri post shelled Cambodian territory. Seventeen shells fell approximately 1,500 metres inside the frontier and another one roughly 800 metres further south, in the commune of Thmei, district of Kompong Rau (Svay Rieng). A forty-four-year-old woman named Neang Ek Chen, a local inhabitant, was wounded by the shrapnel from these shells.

On 23 October 1969, at about 7.30 a.m., five hydroplanes of the United States-South Viet-Nameese forces from the Tan-Thanh post penetrated Cambodian territory and machine-gunned the post of Svay A-Ngong, commune of Cham, district of Kompong Trabèk (Prey Veng). After an exchange of fire with the Cambodian defence forces which lasted fifteen minutes, the raiders withdrew to South Viet-Nam.

During the night of 23 to 24 October 1969, at about 8.30 p.m., soldiers of the United States-South Viet-Nameese post at Cai-Vang fired mortars on Cambodian territory. Five shells fell in the commune of Peam Montea.

On 24 October 1969, at about 8.20 a.m., five hydroplanes of the United States-South Viet-Nameese forces of the Cai-Vang post penetrated Cambodian territory and machine-gunned the aforementioned post at Svay A-Ngong. The answering fire from the Cambodian guards at that post compelled the vessels to withdraw to South Viet-Nam.

On the same day, at about 9.15 a.m., forces from the United States-South Viet-Nameese post at Cai-Vang fired artillery into Cambodian territory. Thirteen shells fell in the vicinity of Svay A-Ngong and twenty-six more in the hamlet of Rong, commune of Cham, district of Kompong Trabèk, province of Prey Veng, wounding three oxen belonging to a person named Yim Ren and putting 1,000 metres of electric cable out of service.

On the same day, at about 1.30 p.m., an aircraft of the United States-South Viet-Nameese forces flew at

high altitude over the defence sector of Kaam Samnar Kron, approximately 3.000 metres inside the Kandal frontier. The Cambodian defence forces were compelled to open fire with anti-aircraft guns, forcing it to turn back to South Viet-Nam.

On the same day, at about 3.30 p.m., a helicopter belonging to the same forces flew over the same Cambodian defence sector. After being fired on by anti-aircraft guns, it headed for South Viet-Nam.

On 25 October 1969, at about 11.30 a.m. the United States-South Viet-Nameese forces at the Katum post shelled Cambodian territory. Three shells fell to the west of the hamlet of Choeung, commune of Cheam, district of Mimot, province of Kompong Chom.

On the same day, at about 7.20 p.m., United States-South Viet-Nameese naval launches patrolling the Vinh-Té canal fired fifteen mortar shells on the Cambodian hamlets of Moeun-Dam, Samrong Chen, and Ang Teav, in the commune of Thnot Chong Srang, district of Banteay Meas (Kampot).

At the same time, helicopters of the United States-South Viet-Nameese forces flew over the above-mentioned hamlets, firing several bursts from automatic weapons and fifteen rockets on Moeun Dam and Samrong Chen.

On 26 October 1969, at about 7.30 a.m., eighteen helicopters of the United States-South Viet-Nameese forces landed their troops on the frontier. Supported by four helicopters, the troops penetrated Cambodian territory in the region of O-Vang, situated approximately 200 metres inside the frontier, in the commune of Bavet, district of Svay Teap, province of Svay Rieng.

On the same day, at about 5.45 p.m., soldiers of the United States-South Viet-Nameese forces at the Dam-Chit post fired three mortar shells. One fell within the perimeter of the Cambodian post of Thnot Chong Srang, in the district of Banteay Meas (Kampot) and the other two approximately 100 metres from that post. This shelling damaged one hut at the post and some equipment, one heavy sub-machine-gun, some cartridge belts and 500 cartridges.

On the same day, at about 6.40 p.m., soldiers of the United States-South Viet-Nameese forces of the Chamcar Kor post fired three artillery shells on the Cambodian commune of Phnom Den, district of Preah Bat Chean Chun (Takéo).

On 27 October 1969, at about 8 a.m., soldiers of the same forces at the Queo Ba post fired several artillery shells on the Cambodian commune of Samrong, district of Chantrea, in Svay Rieng.

On the same day, at about 11 a.m. six hydroplanes of the United States-South Viet-Nameese forces penetrated Cambodian territory and fired several bursts from automatic weapons on the Cambodian post at Angkor Ang and on the inhabitants of the commune of Peam Montea, district of Kompong Trabèk, province of Prey Veng. Two sampans were riddled with bullets and sank and a fourteen-year-old boy named Ly Sa was drowned.

On the same day, at about 2.40 p.m., five hydroplanes of the United States-South Viet-Nameese forces operating along the frontier, supported by two helicopters, fired several bursts from automatic weapons on the Cambodian village of Anlong Char Krom, commune of Peam Montea, district of Kompong Trabèk (Prey Veng).

On the same day, at about 3.30 p.m., soldiers of the United States-South Viet-Nameese forces at the Tri Bi post shelled the commune of Kompong Trach, district of Romeas Hé, in Svay Rieng, wounding a villager named Srey Chon and twelve buffaloes and killing four more buffaloes.

On the same day, at about 7.25 p.m., soldiers of the United States-South Viet-Nameese forces at the Giang-Thanh post fired three shells on the Cambodian post at Kraing Banteay, in the district of Banteay Meas (Kampot).

On 28 October 1969, at about 10.45 a.m., two soldiers named Mak Yan and Nou Dork, of the Cambodian defence forces, were stopped while reconnoitring the former site of the Peam Montea post, in Prey Veng, approximately 300 metres inside the frontier, and were taken by force to the post at Cai-Veng (South Viet-Nam) by soldiers of the United States-South Viet-Nameese forces who had penetrated Cambodian territory. The soldier named Mak Yan was released the following day, but nothing is known so far regarding the fate of his companion Nou Dork.

During the night of 28 October 1969, at about 9 p.m., three United States-South Viet-Nameese naval launches patrolling the Vinh-Té canal fired several bursts from automatic weapons on the Cambodian villages of Koh Thnot, Anlong Kranh and Bat Banleak, in the commune of Beng Sala, district of Kompong Trach, province of Kampot.

At the same time, two aircraft of the United States-South Viet-Nameese forces fired machine-guns and a rocket on a place south of the Koh Thnot pagoda, in the district of Kompong Trach (Kampot).

Several dwellings in the area were damaged.

During the night of 29 October 1969, at about 7 p.m., the United States-South Viet-Nameese posts at Tan Thanh, Cai-Vang and Vinh Dieu fired twenty artillery shells on the commune of Peam Montea, district of Kompong Trabèk, province of Prey Veng.

During the same night, at about 8 p.m., soldiers of the United States-South Viet-Nameese forces at the Ap Vinh Dieu post fired six mortar shells on the Cambodian commune of Thnot Chong Srang, district of Banteay Meas, province of Kampot.

On 30 October 1969, at about 1.30 a.m., ten soldiers of the United States-South Viet-Nameese forces raided Cambodian territory on board five sampans and killed a Viet-Nameese national living in the commune of Prek Chrey, district of Koh-Tohm, in Kandal. The Cambodian defence forces were alerted and pursued the raiders, who withdrew towards South Viet-Nam after an encounter which lasted five minutes. At the time of the withdrawal, soldiers of the United States-South Viet-Nameese forces at the Khan Hoa post opened fire on the Cambodian defence forces in order to cover their comrades' retreat.

During the night of 30 to 31 October 1969 at about 4 a.m. a helicopter of the United States-South Viet-Nameese forces flew over the Royal Cambodian Police post at Thnot Chong Srang, in the district of Banteay Meas (Kampot).

On 31 October 1969, at about 3.15 a.m., a United States-South Viet-Nameese warship patrolling the Vinh-Té canal fired two mortar shells, falling within the perimeter of the Royal Cambodian Police post at Thnot Chong Srang, in the district of Banteay Meas (Kam-

pot), and the other approximately 100 metres south of the post.

On the same day, at about 10.30 a.m., six helicopters of the United States-South Viet-Nameese forces opened fire on the Cambodian village of Ang Teav, approximately 3,500 metres inside the frontier, in the commune of Thnot Chong Srang, in the district of Banteay Meas (Kampot). At the same time, three United States-South Viet-Nameese warships patrolling the Vinh Té canal fired ten shells, five falling approximately 1,000 metres north of Ang Teav and the remaining five approximately 1,500 inside the frontier, in the commune of Thnot Chong Srang, district of Banteay Meas (Kampot).

On the same day, at about 6.30 p.m., soldiers of the United States-South Viet-Nameese forces of the Cai-Vang, Tan Thanh and Vinh Dieu posts shelled the regions of Peam Montea and Svay A-Ngong, in Prey Veng.

During the night of 31 October to 1 November 1969, at about 10.45 p.m., soldiers of the United States-South Viet-Nameese forces of the Cai-Vang post fired on the commune of Cheang Dèk, district of Kompong Trabèk, province of Prey Veng.

On 2 November 1969, at about 5.30 a.m., soldiers of the United States-South Viet-Nameese forces fired four mortar shells from South Viet-Nameese territory at the commune of Thnot Chong Srang, district of Banteay Meas (Kampot).

On the same day, at about 6.30 a.m., soldiers of the same forces again fired five mortar shells on the village of Chitor, commune of Thnot Chong Srang, district of Banteay Meas (Kampot). Soon after, at about 7 a.m., a United States-South Viet-Nameese warship patrolling the Vinh-Té canal fired automatic weapons on the village of Chitor. At the same time, the village was machine-gunned by four helicopters of the United States-South Viet-Nameese forces.

During the night of 2 November 1969, at about 9.05 p.m., United States-South Viet-Nameese soldiers from the Cai-Vang and Tan Thanh posts fired three artillery shells on the village of Setkramuon and thirteen more on the village of Tabol, in the commune of Peam Montea, district of Kompong Trabèk, in Prey Veng.

On 3 November 1969, at about 7.20 p.m., an aircraft of the United States-South Viet-Nameese forces flew over the Cambodian village of Setkramuon, in the commune of Peam Montea, district of Kompong Trabèk, in Prey Veng.

On 5 November 1969, at about 6.30 p.m., two helicopters and two aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and fired rockets and machine-guns on the Cambodian village of Prey Tonlé, approximately 1,500 metres inside the frontier, in the commune of Thnot Chong Srang, district of Banteay Meas, in Kampot.

At the same time, United States-South Viet-Nameese launches fired ten artillery shells which fell in the vicinity of the Royal Cambodian Police post at Prey Tonlé, in the aforementioned commune and district.

On the same day, at about 7.20 p.m., two other aircraft of the United States-South Viet-Nameese forces set off four flares over that post.

On 6 November 1969, at about 2 p.m., soldiers of the United States-South Viet-Nameese forces at the Long Khot post who were patrolling the Cambodian-South Viet-Nameese frontier fired on a herd of cattle grazing

near the frontier in the commune of Samyong, district of Kompong Rau, in Svay Rieng, killing a cow belonging to a Cambodian inhabitant named Yan Chum.

On 6 November 1969, at about 7.45 p.m., the United States-South Viet-Nameese posts at Tan Thanh and Cai-Vang, again fired thirty artillery shells on Peam Montea.

During the night of 6 to 7 November 1969, at about 9 p.m., soldiers of the United States-South Viet-Nameese forces at the Thanh Tri post fired six artillery shells on the commune of Khset, district of Kompong Rau, in Svay Rieng. The explosion from the shells damaged a house in the area.

On 7 November 1969, at about 6.30 a.m., soldiers of the United States-South Viet-Nameese forces fired from South Viet-Nameese territory two mortar shells which fell approximately 2,000 metres inside the frontier, in the commune of Bavet, district of Svay Teap (Svay Rieng).

On the same day, at about 4 p.m., soldiers of the United States-South Viet-Nameese forces at the Ben Cau post fired several artillery shells which fell approximately 200 metres inside the frontier, in the commune of Poipet, district of Svay Teap, in Svay Rieng.

On 8 November 1969, at about 12.30 p.m., three helicopters of the United States-South Viet-Nameese forces violated Cambodian air space and fired rockets and machine-guns on herds of cattle grazing near the Cambodian-South Viet-Nameese frontier, in the commune of Kompong Chamlang, district of Svay Rieng, province of Svay Rieng. One buffalo was killed and seven others wounded during these attacks.

On the night of 8 to 9 November 1969, at about 11 p.m., United States-South Viet-Nameese soldiers from the Cai-Vang post fired an artillery shell on the Cambodian village of Svay A-Ngong, commune of Cham, district of Kompong Trabèk, province of Prey Veng.

During the same night, at about 3.10 a.m., a United States-South Viet-Nameese aircraft bombed the Cambodian village of Kao Klé, approximately six kilometres inside the frontier, in the commune of Tuk Thleak, district of Pechhrada, in Mondulkiri.

The bombing caused the following losses: one villager wounded; one ox killed; one house damaged; one earthenware jar and one set of gongs destroyed.

On the night of 9 to 10 November 1969, at about 3 a.m., soldiers of the United States-South Viet-Nameese forces fired two artillery shells on the commune of Thmei, district of Kompong Rau, in Svay Rieng.

The explosion from these shells caused the following damage: one villager wounded; three oxen and three pigs wounded; one house damaged.

On 10 November 1969, at about 7.30 a.m., soldiers of the United States-South Viet-Nameese forces at the Trapeang Robang post fired two mortar shells which fell approximately 500 metres inside the frontier, in the commune of Thna Thnong, district of Rumduel, in Svay Rieng.

On the same day, at about 6.30 p.m., soldiers of the same forces from the Tan Thanh post fired five artillery shells on the commune of Peam Montea, district of Kompong Trabèk (Prey Veng).

On the same day, at about 7.30 p.m., soldiers of the United States-South Viet-Nameese forces at the Thanh Tri post fired nine artillery shells, six falling in the

village of Prey Vor and three in the village of Veal Maâm, commune of Thmei, district of Kompong Rau, in Svay Rieng. The explosion from the shells caused damage to the rice crop.

During the night of 10 to 11 November 1969, at about 8.30 p.m., a helicopter of the United States-South Viet-Name forces fired rockets on the commune of Ta Or, district of Kirivong, in Takéo.

During the same night, at about 11.30 p.m., soldiers of the United States-South Viet-Name forces shelled the commune of Thmei, district of Kompong Rau (Svay Rieng), killing one ox and wounding two more.

On 11 November 1969, at about 7 a.m., soldiers of the United States-South Viet-Name forces at the Cai-Vang post fired about twenty artillery shells on the aforementioned commune of Peam Montea.

During the night of 11 to 12 November 1969, at about 11 p.m., soldiers of the United States-South Viet-Name forces of the Ben Cau post fired four artillery shells on the commune of Bos Mon, district of Rundul, in Svay Rieng, destroying the rice crop belonging to a villager named Ek Doeuk.

On the same day, at about 11 a.m., soldiers of the United States-South Viet-Name forces at the Trapho post, supported by United States-South Viet-Name naval launches, fired several bursts from automatic weapons on the Cambodian village of Bat Bauleak,

commune of Beng Sala, district of Kompong Trach (Kampot).

This firing caused the following losses: one villager named Tuon Tean killed; another, named Kao Kim, wounded; one cow killed.

During the night of 12 to 13 November 1969, at about 1 a.m., soldiers of the United States-South Viet-Name forces of the Ben Xei post fired eight artillery shells on the village of Veal, commune of Bos Mon, district of Rundul, in Svay Rieng, destroying the rice crop in the area.

The Royal Government has lodged a strong protest against the repeated violations of Cambodian territory, territorial waters and air space and the criminal attacks made deliberately by the United States-South Viet-Name forces against Cambodia and its peaceful inhabitants. It has requested the Government of the United States of America to take immediate measures to compensate the victims, pay for the damage caused and put an end to such hostile acts.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9559

Report of the Secretary-General under Security Council resolution 271 (1969)

[Original: English]
[16 December 1969]

1. This report is submitted in pursuance of Security Council resolution 271 (1969) of 15 September 1969 concerning Jerusalem, which requested the Secretary-General "to follow closely the implementation of the present resolution and to report thereon to the Security Council at the earliest possible date". This resolution was communicated to the Government of Israel on the day of its adoption.

2. On 24 November 1969, the Secretary-General, having received no information, addressed the following note to the Representative of Israel:

"The Secretary-General of the United Nations presents his compliments to the Permanent Representative of Israel to the United Nations and has the honour to refer to Security Council resolution 271 (1969) of 15 September 1969 on the subject of Jerusalem.

"Under the terms of this resolution, the Security Council requested the Secretary-General 'to follow closely the implementation of the present resolution and to report thereon to the Security Council at the earliest possible date'. In order that he may fulfil the reporting responsibilities placed upon him by the Security Council, the Secretary-General would be grateful if the Israel Government would provide him, at an early date, with the necessary information regarding the implementation of the above-mentioned resolution, since it is his intention to submit a report to the Council not later than mid-December 1969.

"The Secretary-General takes this opportunity to renew to the Permanent Representative of Israel the assurances of his highest consideration."

3. On 16 December 1969, the Secretary-General received from the Representative of Israel the following reply dated 15 December 1969:

"The Permanent Representative of Israel to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to refer to the Secretary-General's note of 24 November 1969 concerning Security Council resolution 271 (1969) of 15 September 1969.

"The genesis of the resolution was the blatant attempt of Arab States to exploit the fire in the Al Aqsa Mosque for political and propaganda purposes and to incite religious passions throughout the Moslem world. The invoking of the Security Council to further these purposes was one of the most inglorious chapters in the history of the United Nations, and impaired the prestige of the Organization itself. Moreover, the tension, antagonism and falsehood artificially and deliberately created over the incident damaged still further the prospects of a peaceful settlement of the Middle East conflict.

"These submissions are more fully elaborated in the statements made by the Permanent Representative during the Security Council debate between 9 and 15 September 1969.

"The report of the Commission of Enquiry appointed by the President of the Israel Supreme Court was published on 23 September 1969. The trial of Denis Michael Rohan, accused of arson in connexion with the fire, is still in progress, and judgement is expected to be delivered soon. In the

meantime, temporary repairs have been effected to the Mosque, and prayers are conducted in it as usual.

"As for those paragraphs in the Security Council resolution referring to the question of Jerusalem, reference is made to the letter from the Foreign Minister of Israel conveyed to the Secretary-General

by the Permanent Representative on 27 November 1969, and circulated in document S/9537 of 5 December 1969.

"The Permanent Representative of Israel avails himself of this opportunity to renew to the Secretary-General of the United Nations the assurances of his highest consideration."

DOCUMENT S/9560

Letter dated 16 December 1969 from the representative of Israel to the President of the Security Council

[Original: English]
[16 December 1969]

On Instructions from my Government I have the honour to refer to the letter addressed to you by the representative of Jordan on 9 December 1969 [S/9546].

The description of events contained in the Jordanian letter is distorted and misleading.

In face of a series of attacks carried out against Israeli villages in the Beit Shean valley by terror squads operating from Jordanian territory, Israeli aircraft took action on 6 December 1969 at approximately 0945 hours local time against a terrorist base on the east bank of the Jordan opposite the Tirat Zvi-Beit Sheam sector.

On 8 December 1969 at approximately 2100 hours the town of Beit Sheam was shelled from Jordan with Katyusha rockets. Fire was returned in self-defence.

Aggression from Jordan in violation of the cease-fire cannot be tolerated. Israel must insist on strict and reciprocal observance of the cease-fire and reserves the right of self-defence against armed attacks emanating from Jordanian territory.

I have the honour to request that this letter be circulated as an official document of the Security Council.

(Signed) Yosef TEKOAH
Permanent Representative of Israel
to the United Nations

DOCUMENT S/9569

Letter dated 17 December 1969 from the representative of Cambodia to the President of the Security Council

[Original: French]
[18 December 1969]

On instructions from my Government and further to my letter of 11 December 1969 [S/9558], I have the honour to inform you of the following, for the information of the members of the Security Council.

During the morning of 4 October 1969, about a section of the United States-South Viet-Nameese forces penetrated Cambodian territory and occupied the Khmer post of Koh Skar, situated in the commune of Koh Sampeou, province of Prey Veng.

During the night of 4 to 5 October 1969, about sixty men of the United States-South Viet-Nameese forces from the post of Hong Ngu again crossed the frontier to reinforce the soldiers mentioned above. The Khmer post of Koh Skar was thus occupied until the morning of 6 October 1969 by these forces which, before withdrawing to South Viet-Nam, destroyed the roofs of the huts of the post.

On 14 October 1969, about 3 p.m., the United States-South Viet-Nameese forces from the posts of Cai Muong and Hong Ngu penetrated Cambodian

territory and again occupied the same Khmer post of Koh Skar. When withdrawing the following day, 15 October 1969, at dawn, the intruders carried away building materials from the huts of the Khmer post.

The Royal Government of Cambodia has protested vigorously and indignantly against these repeated violations of Khmer territory followed by the occupation and destruction of a Khmer post. These violations were committed deliberately, in disregard of all international laws, by the United States-South Viet-Nameese forces. It has demanded that the United States Government take appropriate steps to put an end to such acts of aggression and to pay compensation for the damage caused to the post in question.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

to Colonial Countries and Peoples. The imperialist colonial Powers should once and for all be deprived of any possibility for aggressive acts by granting full independence to the Portuguese-suppressed peoples of Bissau, Mozambique and Angola and by eliminating the last colonial vestiges in Africa.

I request You to circulate this telegram as an official document of the Security Council.

(Signed) OTTO WINZER
Minister for Foreign Affairs
of the German Democratic Republic

DOCUMENT S/9580

Letter dated 23 December 1969 from the representative of Cambodia to the President of the Security Council

[Original: French]
[24 December 1969]

On instructions from my Government and further to my letter of 17 December 1969 [S/9569], I have the honour to inform you of the following, for the information of the members of the Security Council.

During the night of 1 to 2 November 1969, at about 10 p.m., an aircraft of the United States-South Viet-Nameese forces violated Cambodian air space above the capital of the province of Svay Rieng.

On 3 November 1969, at 2.30 p.m., another aircraft of these same forces again violated Cambodian air space above the aforementioned capital.

During the night of 5 to 6 November 1969, at about 9.30 p.m., soldiers of the United States-South Viet-Nameese forces from the post of Chamcar Kor fired shells on to Cambodian territory. Three shells fell about 150 metres to the east of the Royal Police post of Thnal Dach, in the district of Preah Bat Chean Chum in Takéo.

During the night of 8 to 9 November 1969, at about 3.40 a.m., two helicopters of the United States-South Viet-Nameese forces violated Cambodian air space and fired two rocket shells on the post of the Royal Khmer Police in the commune of Prey Khmuonh, district of Preah Bat Chean Chum. The explosion of these shells damaged the roof of this post.

On 13 November 1969, at about 9 a.m., soldiers of the United States-South Viet-Nameese forces from the post of Trapeang Robang fired with automatic weapons on a herd of cattle grazing in Cambodian territory, near the Khmer-Viet-Nameese frontier, in the commune of Thnar Thnong, district of Rundul (Svay Rieng).

On the same day, at about 4 p.m., elements of the United States-South Viet-Nameese Navy penetrated Cambodian territory and arrested and carried off to South Viet-Nam four Khmer inhabitants of the village of Koh Thnot, situated about 500 metres inside the frontier, in the commune of Prek Kroeus, district of Kompong Trach (Kampot). They were Ang Chang, Duong Chi, Chev Phon and a boy of seven, the son of Duong Chi. So far there is no news of the fate of these victims.

During the night of 13 November 1969, at about 8.40 p.m., two helicopters of the United States-South Viet-Nameese forces violated Cambodian air space and fired rockets at a spot situated about 2,500 metres inside the frontier, in the commune of Darakum, dis-

trict of Preah Bat Chean Chum (Takéo). These attacks killed an ox and wounded a cow belonging to local inhabitants.

During the same night, at about 9.15 p.m., motor-launches of the United States-South Viet-Nameese Navy, during a patrol on the river Gian Thanh, fired automatic weapons at the Cambodian village of Koh Thnot about 500 metres inside the frontier, in the commune of Prek Kroeus, district of Kompong Trach (Kampot).

Several moments later, at about 11.20 p.m., aircraft of the United States-South Viet-Nameese forces flew over and machine-gunned the aforementioned village of Koh Thnot, seriously injuring a cow belonging to a local inhabitant.

During the night of 13 to 14 November 1969, at about 2.30 a.m., soldiers of the United States-South Viet-Nameese forces penetrated Cambodian territory and opened fire on a group of Cambodian defenders on patrol about 1,500 metres inside the frontier, in the commune of Thmei, district of Kompong Rau (Svay Rieng). After an exchange of fire which lasted about ten minutes, the intruders withdrew to South Viet-Nam.

On 14 November 1969, at about 5.30 p.m., launches of the United States-South Viet-Nameese Navy, patrolling in the Vinh Té canal, fired some twenty shells on the commune of Thnot Chong Srang, district of Banteay Meas (Kampot).

During the same day, at about 7.30 p.m., helicopters of the United States-South Viet-Nameese forces violated Cambodian air space and fired several shells which fell about 1,500 metres inside the frontier, in the commune of Chrak Motes, district of Svay Teap (Svay Rieng).

During the night of 14 to 15 November 1969, from 10.30 p.m. to 3 a.m., soldiers from the same forces of the Ben Cau post fired shells on the aforementioned commune of Chrak Motes.

On 15 November 1969, at about 9.30 a.m., United States-South Viet-Nameese soldiers from the post of Long Khot, patrolling along the Khmer-Viet-Nameese frontier, fired several bursts from automatic weapons on the Cambodian inhabitants of the village of Keo Cheas, about 1,500 metres inside the frontier, in the commune of Banteay Kraing, district of Koupong Rau (Svay Rieng), seriously wounding a villager named Has Saroeung, aged 30, who was evacuated to the hospital of Kompong Rau.

That same day, at about 8.50 p.m., four soldiers of the United States-South Viet-Nameese forces, aboard two motor-assisted sampans, entered Cambodian territory along the river Bac Day. Intervention by Cambodian defence forces compelled the intruders to withdraw to South Viet-Nam under covering fire from their comrades of the United States-South Viet-Nameese post of Nhon Hoi.

On 16 November 1969, at about 9.30 p.m., launches of the United States-South Viet-Nameese Navy, patrolling along the Vinh Té canal, fired about ten shells on the post of the Royal Khmer Police of Thnot Chong Srang, about 500 metres inside the frontier, in the commune of Thnot Chong Srang, district of Banteay Meas (Kampot).

The same day, about 9.40 p.m., two helicopters of the United States-South Viet-Nameese forces violated Cambodian air space and fired several rocket shells on the aforementioned commune of Thnot Chong Srang.

On 17 November 1969, at 4.45 a.m., launches of the United States-South Viet-Nameese Navy fired six shells on the Cambodian village of Ang Teav, 2,000 metres inside the frontier, in the commune of Thnot Chong Srang, district of Banteay Meas (Kampot).

The same day, at about 4.50 a.m., two helicopters of the same force violated Cambodian air space and fired ten rocket shells which fell in the aforementioned village of Ang Teav.

On 18 November 1969, at about 8.30 a.m. two launches of the United States-South Viet-Nameese Navy, coming on patrol from the post of Long Khot, machine-gunned for about ten minutes the Cambodian village of Keo Chas; commune of Banteay Kraing, district of Kompong Rau (Svay Rieng). These attacks seriously injured an ox belonging to Har Thon, a local inhabitant.

During the night of 19 to 20 November 1969, between 7 p.m. and 1.30 a.m., soldiers of the same forces from the post of Chung Tam fired about 150 shells on Cambodian territory. About 100 fell in the commune of Koh Sampeou, district of Peam Chor (Prey Veng).

On 20 November 1969, at about 3 a.m., two helicopters from these same forces flew over the Cambodian villages of Prey Pruos and Prek Kroeus and fired a rocket shell on a place situated to the south of the pagoda of Prek Kroeus, about 1,000 metres inside the frontier, in the commune of Prek Kroeus, district of Kompong Trach (Kampot).

The same day, at about 6 a.m., soldiers of the United States-South Viet-Nameese forces from the post of Ben Xoi, fired nine mortar shells from Viet-Nameese territory. Five fell in the village of Veal, commune of Bos Mon and four others in the village of Prek Koh, commune of Thna Thnong, district of Rumduol (Svay Rieng). The explosion of these shells injured a buffalo belonging to Dim Phan, a local inhabitant.

On 22 November 1969, at 2.30 p.m., an aircraft of the United States-South Viet-Nameese forces violated Cambodian territory and machine-gunned the Khmer village of Sok Nok, situated about 2,000 metres inside

the frontier, in the commune of Mésar Thngak, district of Chantrea, in Svay Rieng.

The same day, at about 4.50 p.m., F-105 aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and bombed the region situated about three kilometres inside the frontier and four kilometres to the south-east of O-Raing, in Mondulkiri.

During the night of 22 to 23 November 1969, at about 8 p.m., soldiers of these same forces from the Ben Xoi post fired six shells which fell about 1,000 metres inside the frontier, in the commune of Thnar Thnong, district of Rumduol (Svay Rieng). The explosion of these shells damaged a house belonging to Deng Phea, a local inhabitant.

During the night of 23 to 24 November 1969, between 9.20 p.m. and 1 a.m., soldiers of the United States-South Viet-Nameese forces from the post of Ben Xoi fired six shells, which fell about 300 metres inside the frontier, in the commune of Bos Mon, district of Rumduol, in Svay Rieng. The explosion of these shells destroyed the rice crop belonging to the local inhabitants.

On 24 November 1969, at about 9.15 a.m., two aircraft of the United States-South Viet-Nameese forces flew over the Cambodian districts of Sen Monorom and O-Raing, in Mondulkiri.

The same day during the afternoon, two helicopters and a spotter plane of the United States-South Viet-Nameese forces violated Cambodian air space and fired flares over a Cambodian military convoy travelling to Mondulkiri on the Lapalkei-Khsm road.

The same day, at about 5.30 p.m., two warships of the United States-South Viet-Nameese Navy fired eighteen shells on the Cambodian village of Vaing Keo, about 500 metres inside the frontier, in the commune of Sampeou Poun, district of Koh Thom (Kandan). The explosion of these shells damaged a house belonging to Sum Khlon and injured five oxen belonging to local inhabitants.

On 26 November 1969, at about 3.45 p.m., a helicopter of the United States-South Viet-Nameese forces violated Cambodian air space above the crossroads of Lapalkei, in Mondulkiri. Flying at an altitude of about 500 metres, it fired a rocket shell on a dwelling situated about fifty metres from that crossroads. It seriously wounded the wife of Corporal Run Pech, a member of the local Cambodian defence forces.

The Royal Government of Cambodia has protested vigorously and indignantly against these repeated violations of Cambodian territory and air space, followed by criminal attacks and acts of brigandage committed deliberately by United States-South Viet-Nameese forces against posts, villages and innocent Cambodians. It has demanded that the United States Government take appropriate steps to pay compensation to the victims, make good the damage caused, and put an end to such acts of aggression.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

limits of the Syrian forward defended localities indicating the cease-fire line on the Syrian side (map reference 2333-2591) (see also para. 2). Between 1202 and 1204 two rifle shots by Syrian forces from manned military position forward of the above-mentioned limits (see also para. 2). Between 1608 and 1614 one burst of heavy-machine-gun and sporadic rocket fire by Syrian forces.

"(b) OP Uniform. Between 1607 and 1615 sporadic rocket fire by Syrian forces.

"2. Firing at or close to United Nations installations

"OP Four. At 1058 one rifle shot, fired by Syrian forces, passed approximately 10 metres over OP caravan. Between 1202 and 1204 two rifle shots were fired by Syrian forces. The first shot passed approximately six metres over OP caravan and the second passed approximately eight metres south of caravan. At time of both incidents there were no Israel forces personnel in the vicinity."

DOCUMENT S/9586

Letter dated 31 December 1969 from the representative of Cambodia to the President of the Security Council

[Original: French]
[2 January 1970]

On instructions from my Government and further to my letter of 23 December 1969 [S/9580], I have the honour to inform you of the following, for the information of the members of the Security Council.

On 26 November 1969, at about 12.20 p.m., soldiers of the United States-South Viet-Nameese forces from the Keo Ba post fired several cannon shells into the Cambodian commune of Samrong, Chantrea district, in Svay Rieng.

During the night of 26/27 November 1969, at about 2.20 a.m., members of the United States-South Viet-Nameese forces from the Vinh Phu post, fired four cannon shells at the Cambodian village of O Spean, which is situated 2,500 metres inside the Cambodian frontier in the commune of Ta Or, Kiri-vong district, in Takeo. These shells exploded and damaged a house and a bicycle.

On 27 November 1969, at about 7.30 a.m., a helicopter of the United States-South Viet-Nameese forces flew over the Cambodian military post on the island known as Koh Ses, opposite Kep (Kampot).

On the same day, at about 8 p.m., three helicopters of these forces violated Cambodian air space and fired four rocket shells at the Cambodian villages of Chreng and Sre Ampil, which are in the commune of Sre Khtum, O Raing district, in Mondolkiri.

On the same day, at about 8 p.m., four helicopters and one spotter aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and fired nine rocket shells at the Cambodian military post of Trapeang Thlork, situated about 2,500 metres inside the Cambodian frontier and approximately eight kilometres south-west of Sre Khtum, O Raing district, in Mondolkiri. These shells exploded and set fire to one hut and damaged two others.

On the same day, at about 9 p.m., soldiers of the United States-South Viet-Nameese forces from the Bu Dop post fired several cannon shells at the Cambodian military post of Trapeang Thlork, situated 2,500 metres inside the Cambodian frontier and approximately eight kilometres south-west of Sre Khtum, O Raing district, in Mondolkiri.

On 28 November 1969, at about 11.20 a.m., four helicopters of the United States-South Viet-Nameese forces violated Cambodian air space and machine-gunned the Cambodian village of Tuol Sdey, situated about 1,000 metres inside the Cambodian frontier in

the commune of Samrong, Chantrea district, in Svay Rieng.

On the same day, from 9.30 a.m. to 7.15 p.m., soldiers of the United States-South Viet-Nameese forces from the Vinh Dien post fired some 30 shells at the Cambodian communes of Peam Montea and Angkor Ang, in the Kompong Trabek district (Prey Veng).

On the same day, from 5.50 p.m. to 7.15 p.m., members of the United States-South Viet-Nameese forces from the Cai Vang and Tan Thanh posts fired some 30 cannon shells at the Cambodian military post at Svay A-Ngong and a further seven at the Cambodian villages of Roung and Kathom, in the commune of Peam Montea, Kompong Trabek district, province of Prey Veng. These shells exploded and damaged three houses and a cart belonging to the inhabitants of the villages.

On the same day, at about 10.30 p.m., members of the United States-South Viet-Nameese forces from the Long Khot post fired six cannon shells which fell some 500 metres inside the Cambodian frontier in the commune of Samyong, Kompong Rau district, in Svay Rieng. These shells exploded and injured a buffalo and damaged a house belonging to a local inhabitant.

On 29 November 1969, at about 8.30 a.m., members of the United States-South Viet-Nameese forces from the Nga Ba Dinh post fired a mortar shell at the Royal Cambodian Police post of Prek Sbau, in the commune of Sampeou Poun, Koh Thom district, in Kandal. The explosion of this shell injured two of the inhabitants.

At about 7 p.m. on the same day members of the United States-South Viet-Nameese forces from the Cai Vang post fired several cannon shells at the Cambodian commune of Cham, Kompong Trabek district (Prey Veng).

During the night of 29/30 November, at about 2 a.m., three helicopters of the United States-South Viet-Nameese forces flew over the Cambodian commune of Thkau and the pagoda of Krachap in the commune of Peam Montea, Kompong Trabek district, province of Prey Veng.

On 30 November 1969, at about 6.55 a.m., forces from the United States-South Viet-Nameese post of Cai Vang fired some 20 cannon shells at the Cambodian military post of Svay A-Ngong, in Prey Veng.

At about 2 p.m. on the same day an aircraft of the United States-South Viet-Nameese forces flew over the pagoda of Krachap, in the commune of Peam Montea, Kompong Trabek district, province of Prey Veng.

During the night of 30 November/1 December 1969, at about 2 a.m., a twin-engined aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and machine-gunned the village of Koh Kaban, commune of Samrong, Chantrea district, in Svay Rieng.

This machine-gun attack seriously injured three inhabitants of the villages. Their names are: Prum Ny, aged 53; Prum King, aged 18; and Prak Khot, aged 14.

On 1 December 1969, at about 7 a.m., a spotter aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and fired nine rocket shells at the Cambodian village of Chrak Kranh, commune of Rong, Phkar Rumchek district, in Kompong Cham.

Between 8.30 a.m. and 10.50 a.m. on the same day four B-52 aircraft and one jet aircraft of the United States-South Viet-Nameese forces flew over the centre of Senmonorom, in Mondolkiri, three times.

At about 10.30 a.m. on the same day a jet aircraft of these same forces also flew over the military post of Dak Dam, in Mondolkiri.

Between 11 a.m. and 4.40 p.m. on the same day members of the United States-South Viet-Nameese forces from the Bu Prang post, attacking three times, fired some 20 cannon shells at the Cambodian military post of Dak Dam, in Mondolkiri. While this firing was going on two jet aircraft of these same forces flew over the post.

During the night of 1/2 December 1969, at about 8.30 p.m., an aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and dropped bombs on a spot about two kilometres southwest of Dak Dam, in Mondolkiri.

At approximately 10 p.m., 3 a.m. and 5 a.m. the same night aircraft of these same forces again bombed areas approximately two kilometres south and southwest of Dak Dam.

At about 10.30 a.m. on 3 December soldiers of the United States-South Viet-Nameese forces from the Ben Xoi post entered Cambodian territory and opened fire on Cambodian villagers who were working in the fields in the commune of Thnar Thnong, Rumduol district, in Svay Rieng. This firing killed a man named Khieu Chhan, and a man named Ouch Son was arrested and taken away by force into South Viet-Nam.

During the night of 3/4 December 1969, at about 7.30 p.m., 1.30 a.m. and 6 a.m., United States-South Viet-Nameese troops from the post of Bu Prang fired cannon into Cambodian territory at a point some four kilometres east of the Dak Dam post, in Mondolkiri.

At about 11.30 that same night soldiers of the United States-South Viet-Nameese forces from the Tan Thanh and Vinh Dien posts fired approximately 400 cannon shells at the Cambodian communes of Peam Montea and Svay A-Ngong, in Prey Veng.

At about 2.20 that same night four aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and bombed the Svay A-Ngong area in Prey Veng.

On 4 December 1969, at about 6.30 a.m., soldiers of the United States-South Viet-Nameese forces from

the Cai Vang post fired some 20 cannon shells at the Cambodian communes of Peam Montea and Svay A-Ngong, in the Kompong Trabek district, in Prey Veng. These shells, on exploding, killed a girl of 21, named Neang Chan Oum who lived in the Cambodian village of Tabol, in the Kompong Trabek district, Prey Veng province.

At about 8 a.m. on the same day soldiers of these same forces directed automatic weapons fire at the Cambodian commune of Koh Sampeou, Peam Chor district, in Prey Veng, killing five local inhabitants.

At about 8 a.m. on the same day an F-105-type aircraft and a spotter aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and machine-gunned an area approximately 200 metres inside the Cambodian frontier in the commune of Daung, Romeas Hek district, province of Svay Rieng.

At about 11 a.m. on the same day a helicopter and three L-19 aircraft of these same forces again flew over the area and machine-gunned it.

At about midday on the same day nine helicopters of these forces violated Cambodian air space and landed troops on Cambodian territory about 200 metres inside the Cambodian frontier, in the commune of Daung, Romeas Hek district, in Svay Rieng. These troops deliberately opened fire on the local Cambodian inhabitants, seriously injuring a peasant woman named Neang Lon Yoeun.

During the night of 5/6 December 1969, at about 9.50 p.m., a launch of the United States-South Viet-Nameese navy violated Cambodian territorial waters off the island known as Koh Ses (Kampot).

On 5 December 1969, at about 6 a.m., soldiers of the United States-South Viet-Nameese forces from the Ben Xoi post fired five cannon shells at the Cambodian pagoda of Prek Pork, in the commune of Thnar Thnong, Rumduol district, in Svay Rieng. These shells exploded and damaged the temple in said pagoda.

At about 2.30 p.m. on the same day a helicopter and a spotter aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and machine-gunned the Cambodian military post of Tra-peang Thlork, in Mondolkiri, for about five minutes. The Cambodian flag, which was flying over the roof of the post, was damaged by the bullets.

At about 4 a.m. on 6 December 1969 two spotter aircraft of these same forces violated Cambodian air space and fired rocket flares over the town of O Raing, in Mondolkiri.

On 7 December 1969, at about 5.30 p.m., a launch of the United States-South Viet-Nameese navy violated Cambodian territorial waters in the neighbourhood of the islands known as Koh Pot and Koh Tonsay (Kampot). When the Cambodian guard at these islands fired warning shots the said launches fled towards South Viet-Nam.

During the night of 7/8 December 1969, between 6 p.m. and 3 a.m., soldiers of the United States-South Viet-Nameese forces from the posts of Cai Vang, Tan Thanh and Vinh Dien fired approximately 50 cannon shells at the Peam Montea area, in Prey Veng.

The Royal Government of Cambodia has protested against these repeated violations of the territory, air space and territorial waters of Cambodia, followed, as

they were, by systematic bombing, deliberately carried out by United States-South Viet-Namense forces against the posts, villages and innocent inhabitants of Cambodian frontier areas. It has demanded that the United States Government take immediate steps to make good the damage caused, compensate the victims and prevent the recurrence of such hostile acts.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) Huot Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9587

Letter dated 31 December 1969 from the representative of Cambodia to the President of the Security Council

[Original: French]
[2 January 1970]

On instructions from my Government and further to my letter of 24 December 1969 [S/9581], I have the honour to bring the following to your attention for the information of the members of the Security Council.

During the night of 13/14 October 1969 members of the Cambodian defense force on-sea patrol boarded a Thai motorized junk which had on board a crew of four who were illegally engaged in fishing in Cambodian territorial waters about four kilometres north-west of the island called Koh Yor. (Koh Kong). The members of the crew were Banchong Dinsovat, Mek Dinsovat, Taing Samboun and Mot Basochit. The registration number of the junk, a 33-H.P. model, is No. 2.LD-DFE I.070 H.F. YANMA.

The Royal Government of Cambodia has lodged a protest against this violation of Cambodian territorial waters, followed by illegal fishing, committed by Thai nationals. It has called upon the Government of Thailand to take appropriate measures to ensure that there is no recurrence of such reprehensible acts.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) Huot Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9588

Letter dated 30 December 1969 from the representative of United States of America to the President of the Security Council

[Original: English]
[2 January 1970]

I would appreciate your circulating as an official document of the Security Council the enclosed speech, given by Secretary of State William P. Rogers on 9 December 1969.

(Signed) Charles W. Yost
Permanent Representative of the
United States of America
to the United Nations

ADDRESS BY MR. WILLIAM P. ROGERS, SECRETARY OF STATE OF THE UNITED STATES, TO THE 1969 GALAXY CONFERENCE ON ADULT EDUCATION, WASHINGTON, 9 DECEMBER 1969

Dr. and Mrs. Charters, members of the Central Planning Committee, and ladies and gentlemen of the 1969 Galaxy Conference on Adult Education,

I am very happy to be with you this evening and be a part of this impressive Conference.

The Galaxy Conference represents one of the largest and most significant efforts in the nation's history to further the goals of all phases of adult and continuing education.

The State Department, as you know, has an active interest in this subject. It is our belief that foreign policy issues should be more broadly understood and considered. As you know, we are making a good many efforts toward providing continuing education in the foreign affairs field. I am happy tonight to join so many staunch allies in those endeavours.

In the hope that I may further that cause I want to talk to you tonight about a foreign policy matter which is of great concern to our nation.

I

I am going to speak tonight about the situation in the Middle East. I want to refer to the policy of the United States as it relates to that situation in the hope that there may be a better understanding of that policy and the reasons for it.

Following the third Arab-Israel war in 20 years, there was an upsurge of hope that a lasting peace could be achieved. That hope has unfortunately not been realized. There is no area of the world today that is more important because it could easily again be the source of another serious conflagration.

Aggression from Lebanon has grown considerably in the wake of the agreement concluded on 3 November 1969 between the Government of Lebanon and terror organizations, through the mediation of the United Arab Republic Government. Under this agreement, Lebanon permits these organizations to operate in and from its territory in flagrant violation of the cease-fire and the United Nations Charter.

The Government of Israel has repeatedly called on Lebanon to realize the grave responsibility it has assumed in pursuing this policy of aggression and to desist from it. Lebanon, however, has not modified its

attitude, and acts of aggression from its territory against Israel have further increased. Under these circumstances, Israel is obliged to take defensive measures for the protection of its territory and its population subjected, as a result of Lebanon's policy, to the constant danger of murder and injury.

I have the honour to request that this letter be circulated as an official document of the Security Council.

(Signed) Yosef TEKOAH
Permanent Representative of Israel
to the United Nations

DOCUMENT S/9595

Letter dated 6 January 1970 from the representative of Cambodia to the President of the Security Council

[Original: French]
[9 January 1970]

On instructions from my Government and further to my letter of 31 December 1969 [S/9586], I have the honour to inform you of the following for the information of the members of the Security Council.

On 17 December 1969, at about 11.50 a.m., soldiers of the United States-South Viet-Nameese forces from the Cai Vang post fired seven cannon shells into the Cambodian village of Tabol, in the commune of Cheang Dek, Kompong Trabek district, in Prey Veng.

The burst from these shells killed outright a woman named Prak Neang Vann and seriously wounded four villagers whose names were Ne Kien, Peou Yun, Yay Touch and Loung Oun. While they were being taken to the hospital at Kompong Trabek, Loung Oun died of his wounds, at about 1.40 p.m.

The Royal Government of Cambodia has protested strongly and indignantly against these deliberate shellings by the United States-South Viet-Nameese forces, which cause casualties among the peaceful and innocent inhabitants of Cambodia. It has demanded that the United States Government take immediate steps to give the victims fair compensation and to put an end to these continual and intolerable attacks on a neutral and peaceful country.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9596

Letter dated 9 January 1970 from the representative of Jordan to the President of the Security Council

[Original: English]
[9 January 1970]

On instructions from my Government and further to my delegation's letter of 12 August 1969 [S/9386] concerning continued Israeli attacks against the east bank of Jordan, may I bring to your attention the fact that Israel's attacks against Jordan, and particularly against civilians and their means of livelihood, have been dangerously intensified and diversified.

Since the beginning of August to the end of December 1969 Israel's daily armed attacks have been primarily directed against civilians. In that period of five months, over 220 acts of aggression have been committed by Israel's regular army and publicly admitted by Israeli officials. Most of these attacks were against farms, villages and towns in the northern and central part of the Jordan valley and against Bedouin

settlers living south of the Dead Sea. In these dastardly attacks the use of artillery, fighter-bombers, rockets and napalm has been a systematic Israeli policy.

Infiltration and use of helicopters in the kidnapping of civilians is one pattern of Israel's attacks. In my letter of 26 November 1969 [S/9512] I brought to your attention a case involving the kidnapping of four Jordanian shepherds after the killing of four others.

Again, on 13 November, an Israeli patrol stealthily attacked the village of Bani Noem and Makhadit Sudrat, dynamited and destroyed six houses and kidnapped two farmers. In one of the houses blown up 76 sheep were killed.

measures to that end, nor can it legitimately complain when its failure to prevent breaches of the cease-fire or its connivance, whether expressed or tacit, with these illegalities makes it essential for the Government of Israel to take steps to defend its territory and its citizens.

I have the honour to request that this letter be circulated as an official document of the Security Council.

(Signed) Yosef TEKOAH
Permanent Representative of Israel
to the United Nations

DOCUMENT S/9605

Letter dated 14 January 1970 from the representative of Cambodia to the President of the Security Council

[Original: French]
[16 January 1970]

On instructions from my Government and further to my letter of 6 January 1970 [S/9595], I have the honour to bring the following to your attention for the information of the members of the Security Council.

On 15 November 1969, at about 9 a.m., two vessels of the United States-South Viet-Nameese naval forces violated the river waters of Cambodia and landed on Khmer territory a group of soldiers who laid mines in an area about 150 metres inside the frontier, in the village of Bat Banleak, Prek Kroeus commune, Kompong Trach district, Kampot.

On the same date, at about 11 a.m., a herd of oxen trod on one of these mines and the explosion caused serious injury to an ox belonging to Meas Kem, an inhabitant of the village of Preah Trahing, Prek Kroeus commune, Kompong Trach district, Kampot.

On 20 November 1969, at about 12 noon, a group of soldiers of the United States-South Viet-Nameese forces from the Cai Hon (Chau Doc) post penetrated Cambodian river waters aboard a small craft as far as the An Hoa (Takeo) market. They seized and forcibly abducted to South Viet-Nam a woman inhabitant of the locality named Le Kim An.

On 3 December 1969, at about 6 a.m., aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and opened fire with rockets and automatic weapons on the Khmer commune of Samyong, Kompong Rau district, Svay Rieng. This attack caused damage to the local inhabitants' rice paddy.

On 6 December 1969, between 4.30 a.m. and 7.30 a.m., soldiers of the United States-South Viet-Nameese forces from the Bu Prang post fired several shells which fell about 5 kilometres inside the frontier, about 10 kilometres east of Dak Dam (Mondolkiri).

On the same day, at about 6 a.m., soldiers of the United States-South Viet-Nameese forces from the Rung Dau post opened fire on the Cambodian commune of Bavet, Svay Teap district, Svay Rieng province, injuring an 18-year-old girl.

On the same day, at about 10.30 a.m., helicopters of the United States-South Viet-Nameese forces violated Cambodian air space and landed troops on Cambodian territory, where they seized four Khmer inhabitants of Daung commune, Romeas Hek district, Svay Rieng. These inhabitants were freed shortly afterwards.

On the same day, at about 2.15 p.m., an aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and opened fire with rockets on herdsmen about 300 metres inside the frontier, in Samyong commune, Kompong Rau district, Svay Rieng. One of the herdsmen, named Chhom Phan, was seriously wounded.

On the same day, at about 2.50 p.m., soldiers of the United States-South Viet-Nameese forces from the Queo Ba post fired several shells on the Samrong commune, Chantrea district, Svay Rieng province. The explosion of these shells caused damage to the local inhabitants' rice paddy.

On 7 December 1969, at about 7.30 a.m., patrol vessels of the United States-South Viet-Nameese naval forces on patrol on the River Giang Thanh opened fire with automatic weapons and mortars on the Khmer village of Koh Thkau, about 1,000 metres inside the frontier in Prek Kroeus commune, Kompong Trach district, Kampot, and wounded one woman inhabitant of the village.

On the same day, at about 8 p.m., soldiers of the United States-South Viet-Nameese forces from the Ben Xoi post fired three shells on the Khmer village of Prek Pork, Thnar Thnong commune, Rumduol district, Svay Rieng. The explosion of these shells caused considerable damage to the rice paddy belonging to Ly Chhom, an inhabitant of the locality.

On 8 December 1969, at about 1 p.m., soldiers of the United States-South Viet-Nameese forces from the Thmar Dar post fired four shells on Cambodian territory about 300 metres inside the frontier in the Khmer commune of Banteay Kraing, Kompong Rau district, Svay Rieng.

During the night of 8/9 December 1969, from 6.40 p.m. to 8 p.m., elements of the United States-South Viet-Nameese forces from the Cai Vang and Tan Thanh posts fired about 40 shells on the Khmer communes of Banteay-Chakrey, Peam Montea and Cheang Dek, in the district of Kompong Trabek, Prey Veng. As a result of the explosion of these shells three oxen were injured and three houses belonging to the Cambodian villagers of Banteay Chakrey were damaged.

On 9 December 1969, soldiers of the United States-South Viet-Nameese forces from the Queo Ba post opened fire with artillery twice—at about 10.15 a.m. and again at 7 p.m.—and fired eight shells on the Khmer commune of Samrong, Chantrea district, Svay Rieng. The explosion of these shells caused serious injury to two oxen and one buffalo belonging respectively to Truong Van Loi and Truong Van Koeung, inhabitants of the locality.

On the same day, at about 12.30 p.m., soldiers of the United States-South Viet-Nameese forces from the Tan Thanh and Cai Vang posts opened mortar fire on the Khmer villages of Set Kramuon, Chamnang Tek and Tabol, in the district of Kompong Trabek, Prey Veng.

Casualties and damage were as follows: 1 girl wounded; 1 pig and 1 ox killed; 1 pig, 4 oxen and 4 buffaloes wounded; 1 house set on fire and another damaged.

On the same day, at about 4.15 p.m., soldiers of the United States–South Viet-Namense forces from the Mor Bai post fired several shells and mortar bombs on the Cambodian defence centre of Bavet, in Svay Rieng.

On the same day, at about 5.30 p.m., soldiers of the United States–South Viet-Namense forces from the Cai Vang post fired about 20 mortar bombs on the Khmer commune of Svay A-Ngong, Kompong Trabek district, Prey Veng.

On 10 December 1969, at about 10.15 a.m., soldiers of the United States–South Viet-Namense forces from the Queo Ba post, in the course of a patrol, removed the Cambodian flag pole near the frontier line.

On the same day, at about 2 p.m., soldiers of the United States–South Viet-Namense forces from the Kinh-Thay-Bang post opened artillery fire on the Cambodian village of Vinh Khanh, Sampeou Poun commune, Koh Thom district, Kandal province.

On 11 December 1969, at about 9.30 a.m., three aircraft of the United States–South Viet-Namense forces violated Cambodian air space and opened fire with machine-guns and rockets on the Khmer village of Bathu, Samrong commune, Chantrea district, Svay Rieng.

On the same day, at about 11 a.m., a patrol vessel of the United States–South Viet-Namense naval forces violated Cambodian waters to a distance of about 200 metres in front of the Khmer military post of Kompong Krassaing, Borei Chulsa district, Takeo.

On the same day, at about 6.45 p.m., three helicopters of the United States–South Viet-Namense forces violated Cambodian air space and opened fire with machine-guns and rockets on a locality about 700 metres inside the frontier, in the commune of Tanou, Svay Rieng, wounding one inhabitant named Tep Chea.

On the same day, at about 7.30 p.m., soldiers of the United States–South Viet-Namense forces from the Vinh Phu post fired about 20 shells on Cambodian territory about 1,000 metres inside the frontier, in the Khmer commune of Ta Or, Kirivong district, Takeo.

On the same day, at about 9 p.m., soldiers of the United States–South Viet-Namense forces fired about 10 shells on Cambodian territory about 3,000 metres inside the frontier, in the Khmer commune of Kompong Krassaing, Borei Chulsa district, Takeo.

On 12 December 1969, at about 10.30 a.m., a reconnaissance aircraft of the United States–South Viet-Namense forces violated Cambodian air space and fired four rockets on the Khmer village of Trapeang Thlork, Sre Khtum commune, O Raing district, Mondolkiri.

On the same day, at about 7.25 p.m., soldiers of the United States–South Viet-Namense forces from the Kinh Thay Bang post fired three shells on the Khmer village of Vinh Khan, Sampeou Poun commune, Koh Thom district, Kandal.

On 13 December 1969, at about 8.15 a.m., elements of the United States–South Viet-Namense forces from the Dam Chit post fired a mortar bomb which fell about 2,000 metres inside the frontier, in the commune of Thnot Chong Srang, Banteay Meas district, Kampot.

The explosion of this bomb seriously wounded two members of the Cambodian defence forces, named Minn Nhen and Im Sarim, and also one ox.

On the same day, at about 10.15 a.m. soldiers of the United States–South Viet-Namense forces from the Ben Xoi post fired about 20 shells on Cambodian territory about 300 metres inside the frontier, in the Khmer commune of Thnar Thnong, Rumduol, Svay Rieng.

On the same day, at about 2.30 p.m., a 17-year-old girl named Neang Ouk Sakun, an inhabitant of the Khmer village of Veal, Bos Mon commune, Rumduol district, Svay Rieng, stepped on a grenade planted by United States–South Viet-Namense forces at a point about 2,000 metres inside the frontier, in the aforementioned commune. She was seriously wounded by the explosion of the grenade.

During the night of 13/14 December 1969, at about 2 a.m., soldiers from the United States–South Viet-Namense post at Ben Xoi again fired two shells which fell about 100 metres inside the frontier, in the aforementioned commune of Thnar Thnong.

On 15 December 1969, elements of the United States–South Viet-Namense forces from the Dong Duc post fired 15 shells and mortar bombs on the Royal Khmer Police post at Bac Nam, Prek Tonlea commune, Koh Thom district, Kandal.

On the same day, at about 3.30 p.m., soldiers of the United States–South Viet-Namense forces from the Queo Ba post fired several shells on Cambodian territory at about 500 metres inside the frontier in Samrong commune, Chantrea district, Svay Rieng.

During the night of 17 December 1969, at about 10.10 p.m., an aircraft of the United States–South Viet-Namense forces violated Cambodian air space and opened fire on a Khmer military convoy on the road between La Palkei and Khsim, in Mondolkiri.

On 18 December 1969, at about 8 p.m., an aircraft of the United States–South Viet-Namense forces violated Cambodian air space and machine-gunned the Cambodian village of Phnom Den, Preah Bat Chean Chum district, Takeo, killing one of the inhabitants named Chan Moy.

During the night of 24/25 December 1969, at about 1.30 a.m., a number of soldiers of the United States–South Viet-Namense forces, estimated at about 100 men, penetrated Cambodian territory and attacked the Sambok Mean Provincial Guard post about 500 metres inside the frontier, in the commune of Som, Preah Bat Chean Chum district, Takeo. The soldiers were supported in their attack by aircraft of the United States–South Viet-Namense forces which bombed and fired rockets on the post for about 30 minutes. A few minutes later, three other aircraft bombed the post again.

At about 4.30 a.m., a helicopter of the United States–South Viet-Namense forces landed about 20 metres from the aforementioned post and disembarked a number of infantrymen, who ransacked the post and removed the Cambodian flag. As a result of this attack, five Cambodian provincial guardsmen were injured, two of them seriously. Their names are as follows: Tep Chhou and Srey Yan (seriously wounded); Ros Him, Pok Sarun and Pech Am (slightly wounded). The Khmer post was completely destroyed.

The Royal Government of Cambodia has lodged an energetic and indignant protest against these criminal acts of aggression deliberately committed by the United States-South Viet-Nameese forces against Cambodian frontier posts and villages and their inhabitants. It has demanded that the United States Government should take immediate measures to pay the victims fair compensation, to reimburse the costs of the damage caused and to put an end once and for all

to these continual and intolerable aggressions with their ever-increasing toll of victims and material damage.

I should be grateful if you would arrange for the text of this communication to be circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9606

Letter dated 15 January 1970 from the representative of Cambodia to the President of the Security Council

[Original: French]
[16 January 1970]

On instructions from my Government and further to my letter of 31 December 1969 [S/9587], I have the honour to bring the following to your attention for the information of the members of the Security Council.

On 12 December 1969, at about 1 p.m., the Khmer authorities of Rattanak Mondul district, Battambang, arrested on Cambodian territory about 3,200 metres inside the frontier, and about 8 kilometres west of the Pailin Centre, four Thai nationals who were engaged in an illicit search for precious stones. Their names are: Triveth Som Nao, aged 33; Kham Blam Ngoeun, aged 25; Song Kram Neah Chak Lath, aged 25; Sam Ya Yar Yat, aged 19.

On 19 December 1969, at about 11 a.m., soldiers of the Thai forces penetrated Cambodian territory and opened fire on a Cambodian patrol about 200 metres inside the frontier, in the commune of Soeng, Sisophon district, Battambang. The Cambodian patrol was obliged to take energetic counteraction and forced the intruders to withdraw to Thailand after a skirmish lasting several minutes.

On 20 December 1969, at about 7 a.m., a helicopter of the Thai forces violated Cambodian air space over

the area of Yeang Dangcum, in the aforementioned district.

On 22 December 1969, at about 12.30 p.m., a group of Cambodian soldiers on patrol in the same area, about 200 metres inside the frontier, was fired on deliberately from Thai territory by soldiers of the Thai forces.

The Royal Government of Cambodia has lodged an energetic protest against this unlawful intrusion by Thai nationals into Cambodian territory to engage in an illicit search for precious stones, and also against these violations of Cambodian air space and national territory and against the deliberate firing by Thai forces. It has called upon the Royal Government of Thailand to take appropriate measures to put an end to these acts of provocation immediately.

I should be grateful if you would arrange for the text of this communication to be circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9607*

Letter dated 16 January 1970 from the representative of Jordan to the Secretary-General

[Original: English]
[19 January 1970]

Further to my letter of 2 January 1970 [S/9589] addressed to the President of the Security Council concerning Israeli attacks on civilians and upon instructions from my Government, I have the honour to bring to your attention the attached letter by an American professor depicting an example of a human tragedy in the Jordanian village of Zahar.

May I ask that this letter, together with its enclosure, be distributed as official documents of the General Assembly and the Security Council and be brought to the attention of the Special Working Group of Experts established under resolution 6 (XXV) of the Commission on Human Rights?

(Signed) Muhammad H. EL-FARRA
Permanent Representative of Jordan
to the United Nations

LETTER DATED 13 JANUARY 1970 FROM MR. RICHARD P. STEVENS OF LINCOLN UNIVERSITY TO THE PERMANENT REPRESENTATIVE OF JORDAN TO THE UNITED NATIONS

I write to you with a heavy heart asking your assistance to provide me with any information available as to the last hours of my dear friend, Abed Almojeed Mohammed Yousef Haza'mayah, a resident of the village of Zahar near Irbid. Today, by two separate letters from Jordan, I have been informed that he and his brother were among the eight persons killed in a shelter on New Year's Eve when Israeli rockets hit their poor village.

I shall also be grateful if you will publicize as you see fit my remarks on Abed together with the two notes informing me of his death. I note with bitterness as well as deep personal anguish the fact that the bombardment of Abed's village and the many deaths

* Also circulated as a General Assembly document under the symbol A/7940.

extended family of Africans from South Africa. Zimbabwe, Morocco and Tunisia join in prayer that God will assuage the grief and give courage for a better day. Although Abed was a faithful Moslem, I do not think he would object to a Requiem Mass,

which will be held here in Oxford at Sacred Heart Church for the repose of his soul.

(Signed) Richard P. STEVENS, Ph.D.
Chairman, Department of Political Science and
Director, African Language and Area Center

DOCUMENT S/9608

Letter dated 19 January 1970 from the representative of Jordan to the President of the Security Council

[Original: English]
[19 January 1970]

Upon instructions from my Government, I have the honour to bring to your attention a recent Israeli attack against Jordanian farmers.

Yesterday at 0930 hours local time, Israeli forces opened their mortar fire on Jordanian farmers in Tall-As-Sukkar in the northern part of the Jordan valley.

As a result, four farmers were killed and six wounded, among them a woman.

I have the honour to request that this letter be circulated as an official document of the Security Council.

(Signed) Muhammad H. EL-FARRA
Permanent Representative of Jordan
to the United Nations

DOCUMENT S/9610

Letter dated 21 January 1970 from the representative of Jordan to the President of the Security Council

[Original: English]
[21 January 1970]

Upon instructions from my Government, I have the honour to bring to your attention a very serious and brazen Israeli attack on Jordan.

Preliminary reports indicate that yesterday, 20 January, at 0017 local time, an Israeli battalion with armoured carriers and tanks supported by Israeli military aircraft crossed the Armistice Demarcation Line south of the Dead Sea in the area of Ghor es Safi and Wadi Feifa.

A battle ensued with the Jordanian forces and continued until 0900 of the next day, 21 January. At 0730 hours local time, the Israeli Air Force bombed and strafed military as well as civilian targets and centres in the area.

The Israeli ground forces were able to enter the villages of Safi, Fefah and Wadi el Hasa and destroy houses.

I will keep you informed of any further information and details.

I have the honour to request that this letter be circulated as an official document of the Security Council.

(Signed) Muhammad H. EL-FARRA
Permanent Representative of Jordan
to the United Nations

DOCUMENT S/9611

Letter dated 20 January 1970 from the representative of Cambodia to the President of the Security Council

[Original: French]
[22 January 1970]

On the instructions of my Government and further to my letter of 14 January 1970 [S/9605], I have the honour to transmit the following for the information of the members of the Security Council.

On 13 December 1969, at approximately 5.30 p.m., helicopters of the United States-South Viet-Nameese forces, led by a reconnaissance aircraft, violated

the air space of Cambodia and machine-gunned several localities situated approximately 500 metres inside the frontier, in the commune of Daung, district of Romeas Hek, in Svay Rieng, seriously wounding a local inhabitant, named Puork Lo.

The Royal Government of Cambodia has vigorously protested against this violation of the air space of Cambodia followed by deliberate shooting by the United States-South Viet-Nameese forces. It has demanded that the Government of the United States of America should take appropriate action to compensate the victim and immediately put a stop to these criminal acts of aggression against the frontier areas of neutral and peaceful Cambodia.

I request you to have the text of this communication distributed as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9613

Letter dated 22 January 1970 from the representative of Israel to the President of the Security Council

[Original: English]
[22 January 1970]

On instructions of my Government I have the honour to refer to my letters of 16 December 1969 [S/9560], 5 January 1970 [S/9592] and 15 January 1970 [S/9600] to the President of the Security Council in which I drew attention to the intolerable situation created by the intensification of aggression from Jordan against Israel.

In recent weeks the area of armed attack from Jordanian territory was extended to include the Dead Sea region, where acts of aggression became particularly frequent and serious. Since 28 December 1969 the villages of Newe Zohar, Yahav, Gerofit and Ne'ot Hakikar situated south of the Dead Sea came under mortar and Katyusha fire. On 19 January 1970 and again on 20 January the Dead Sea Potash Works were shelled from Jordanian territory. Altogether 23 armed attacks have occurred in this area in the course of the last four weeks.

These continuous attacks and the failure by the Jordanian Government to take steps to ensure the maintenance of the cease-fire by regular and irregular forces in its territory, have compelled Israel to resort to self-defence measures.

On 20 January a unit of the Israel Defence Forces, consisting of three tanks and eight armoured personnel carriers, entered the Safi area, south of the Dead Sea,

from which the above attacks against Israel had been perpetrated. The unit was to clear the area of terror squads. It found the village of Safi empty. However, it encountered a saboteur squad moving in the direction of Israel. In the ensuing clash five members of the squad were killed. This was confirmed in a communiqué on behalf of the terror organizations broadcast over Radio Cairo on 21 January at 1330 hours local time. Moreover, two recoilless guns mounted on jeeps were destroyed. Two other jeeps, bearing El Fatah insignia, one of them with a recoilless gun, were seized, in addition to Klatchnikov rifles, bazookas and grenades.

I should like to reiterate the urgent need for the Government of Jordan to put an immediate end to the acts of aggression pursued from its territory against Israel. The cessation of these acts will ensure tranquillity. Their continuation undermines the cease-fire and leaves Israel with no alternative but to act in self-defence.

I have the honour to request that this letter be circulated as an official document of the Security Council.

(Signed) Yosef TEKOAH
Permanent Representative of Israel
to the United Nations

DOCUMENT S/9614*

Letter dated 23 January 1970 from the representative of Syria to the Secretary-General

[Original: English]
[23 January 1970]

Upon instructions of my Government, I have the honour to bring to your attention the contents of a letter addressed to the representative of the International Red Cross in Syria and Lebanon by the Chairman of the Syrian Arab delegation to the Mixed Armistice Commission on 17 December 1969. This letter reads as follows:

* Also circulated as a General Assembly document under the symbol A/7942.

"The Chairman of the Syrian Arab delegation to the Mixed Armistice Commission presents his compliments to the representative of International Red Cross in Damascus and wishes to inform him of the kind of treatment which has been reserved by the occupying Israeli authorities to the two Syrian pilots during their imprisonment. The ill-treatment which they suffered contradicts the clauses of the Geneva Convention Relative to the Treatment of Prisoners

Letter dated 27 January 1970 from the representative of Cambodia to the President of the Security Council

[Original: French]
[29 January 1970]

On instructions from my Government and further to my letter of 20 January 1970 [S/9611], I have the honour to bring the following to your attention for the information of the members of the Security Council.

During the night of 27/28 November 1969, at approximately 8 p.m., seven soldiers of the United States-South Viet-Nameese forces entered Cambodian territory at a place called Day Bang Kang belonging to the commune of Prek Phtol, district of Angkor Borey, in Takeo. They seized and forcibly led away towards South Viet-Nam four Khmer villagers, Pang Bin, Chem, Kham Chhem and Sum.

Pang Bin and Chem managed to escape along the way and alerted the garrison of the Khmer post of Bak Day, who immediately set out in pursuit, but it proved impossible to intercept the intruders owing to the fire opened to cover their withdrawal by the United States-South Viet-Nameese post of Nhon Thoi.

Sum was released the following day, 28 November 1969, while Kham Chhem was not released until 1 December 1969 after the sum of 6,000 riels had been paid to soldiers of the United States-South Viet-Nameese forces.

On 19 December 1969, at approximately 11 a.m., a helicopter and a spotter aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and four times dropped flares at a point some 200 metres west of the Khmer village of Takla belonging to the commune of Tuk Thleak, district of Pichrada, in Mondolkiri.

On 20 December 1969, at approximately 12 noon, a helicopter of the United States-South Viet-Nameese forces violated Cambodian air space above the road connecting Khsim with La Palkei and landed at kilometre point 25, in the village of Khsim, district of Snuol, in Kratie. A moment later the craft took off again and on leaving the ground strafed and fired rockets along the aforementioned road.

On 22 December 1969, at approximately 4.40 p.m., a spotter aircraft of the aforesaid forces violated Cambodian air space and fired five rocket shells on the region of Angkor Ang belonging to the commune of Koh Sampeou, district of Peam Chor, in Prey Veng.

On the same day, at approximately 4.45 p.m., soldiers of the United States-South Viet-Nameese forces from the Cai Vang post fired several artillery shells into Khmer territory some 500 metres inside the frontier, in the commune of Banteay Chakrey, district of Kompong Trabek, in Prey Veng. The explosion of the shells seriously injured two oxen belonging to Nhock Mao, an inhabitant of the aforementioned commune.

On 23 December 1969, at approximately 9 a.m., soldiers of the United States-South Viet-Nameese forces from the Queo Ba post fired several artillery shells into Cambodian territory some 500 metres inside the frontier, in the commune of Samrong, district of Chantrea, in Svay Rieng.

On the same day, at approximately 6.30 p.m., three aircraft of the aforesaid forces violated Cambodian air space and fired 20-odd rocket shells at a

point some 2,500 metres inside the frontier, in the commune of Cheam, district of Mimot, in Phkar Rumchek.

On 24 December 1969, at approximately 2 p.m., a helicopter of the same forces violated Cambodian air space and strafed the Khmer village of Sangkum belonging to the commune of Tounlong, in the aforementioned district of Mimot.

On the same day, at approximately 2.30 p.m., two helicopters of the United States-South Viet-Nameese forces, guided by a spotter aircraft, violated Cambodian air space above the region of La Palkei and fired with machine-guns and rockets on a buffalo herd some 2,500 metres within the frontier, in the commune of Sre Khtum, district of O Raing, in Mondolkiri. The losses were as follows: 7 buffaloes killed, 22 injured and 3 missing.

On 26 December 1969, at approximately 12 noon, soldiers of the United States-South Viet-Nameese forces from the Thmar Dar post fired four artillery shells into Cambodian territory some 200 metres inside the frontier, in the commune of Thmei, district of Kompong Rau, in Svay Rieng. A 15-year-old boy, Kim Sok, was seriously wounded.

On the same day, at approximately 4 p.m., soldiers of the aforesaid forces from the Go Bac Chieng post fired two artillery shells into Cambodian territory some 500 metres inside the frontier, in the commune of Thmei, district of Kompong Rau, in Svay Rieng.

On 28 December 1969 at approximately 8 a.m. two patrol boats of the United States-South Viet-Nameese navy violated Cambodian territorial waters off Ream, some 350 metres south-east of the island called Koh Ses (Kampot).

On the same day, at approximately 1.40 p.m., two helicopters of the United States-South Viet-Nameese forces, guided by a spotter aircraft, violated Cambodian air space and fired three rocket shells on the Khmer military post of La Palkei, in Mondolkiri.

On 29 December 1969, at approximately 4.30 p.m., aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and strafed and fired rockets on the Khmer village of Pounhea, some 1,500 metres inside the frontier, in the commune of O Raing, district of O Raing, in Mondolkiri. The firing resulted in the following losses: one hut damaged; three tons of paddy, one earthenware jar filled with rice and eight empty jars destroyed; one set of gongs and other articles belonging to one Kroeun Krak burnt.

During the night of 29/30 December 1969, at approximately 8 p.m., soldiers of the aforesaid forces from the Tan Thanh post fired 20-odd mortar and artillery shells on the commune of Peam Montea belonging to the district of Kompong Trabek, in Prey Veng. The explosion of the shells destroyed the rice crop belonging to two local inhabitants, Lou Van Yar and Tran Kry.

On 30 December 1969, elements of the aforesaid forces from the Kinh Thay Bang post fired seven artillery shells into the Khmer village of Bac Nam, com-

mune of Prek Tonlea, district of Koh Thom, in Kandal. The explosion of the shells injured an ox belonging to Oum Phath and damaged seven houses of local inhabitants.

On the same day, at approximately 7 p.m., soldiers of the aforesaid forces fired five artillery shells on the Royal Khmer Police post of Vaing Keo belonging to the commune of Sampeou Poun, district of Koh Thom, in Kandal; the post's roof was damaged.

On the same day, at approximately 8.45 p.m., two patrol boats of the United States-South Viet-Nameese navy fired five artillery shells into the Khmer village of Prey Prous, commune of Prek Kroeus, district of Kampong Trach, in Kampot.

On 30 and 31 December 1969, at approximately 6 p.m. and 5.30 a.m. respectively, soldiers of the United States-South Viet-Nameese forces fired artillery shells into Cambodian territory some 500 metres inside the frontier, in the commune of Koh Sampeou, district of Peam Chor, in Prey Veng.

On 31 December 1969, at approximately 9.30 a.m., a spotter aircraft of the aforesaid forces violated Cambodian air space and fired two rocket shells at a point some 2,500 metres inside the frontier, in the commune of Samrong, district of Chantrea, in Svay Rieng.

On 1 and 2 January 1970 at 1 p.m. soldiers of the aforesaid forces from the Chum-Tam post fired ten-odd artillery shells into the aforementioned commune of Koh Sampeou.

On 2 January 1970, at approximately 3.50 a.m., two patrol boats of the United States-South Viet-Nameese navy violated Cambodian territorial waters south-east of the island called Koh Ses off Ream (Kampot). When challenged by fire from the guards of the island, the boats withdrew towards the island called Koh Tral, forcibly carrying off a Cambodian

fishing junk with its owner, Sar Tinam, and his child on board.

During the night of 2/3 January 1970, at approximately 9 p.m., soldiers of the aforesaid forces from the Thanh Tri post fired several artillery shells into Khmer territory 500 metres from Khset, district of Kompong Rau, in Svay Rieng, damaging a house belonging to a local inhabitant, Ros Kann.

On 6 January 1970, at approximately 3.30 p.m., five helicopters of the United States-South Viet-Nameese forces violated Cambodian air space and strafed the Khmer village of Prasath lying at XT 297.175, some 1,000 metres inside the frontier, in the district of Chantrea, in Svay Rieng.

Losses resulting from this attack were as follows: two villagers killed outright, Kim Saban (20 years old) and Kim Eng (18 years old); one girl seriously wounded, Chhoeung Sophay (11 years old); one hectare of rice-crop belonging to Nhek Peou and seven sacks of paddy belonging to Prak Khun destroyed.

The Royal Government of Cambodia has filed a strong and indignant protest against these criminal acts of aggression perpetrated by the United States-South Viet-Nameese forces against Cambodia and its peaceful inhabitants. It has called upon the Government of the United States of America to take immediate steps to release and indemnify the victims, make reparation for the damage caused and put an end to such acts against a neutral and peaceful country.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9626

Letter dated 26 January 1970 from the representative of the United Arab Republic to the Secretary-General

[Original: English]
[29 January 1970]

On instructions of my Government, and pursuant to my conversation with you on 26 January 1970, I have the honour to bring to your attention the following:

On 25 January 1970, at 7.45 a.m., the Israeli air force committed a further treacherous act of aggression by attacking the United Arab Republic unarmed civilian vessel *Shadwan*. This 300-ton vessel belongs to the United Arab Company for Maritime Provisions and is registered as a part of the United Arab Republic Merchant Marine with the Civilian Maritime Registry of the United Arab Republic.

At the time when Israeli aircraft opened fire on this unarmed civilian vessel, the vessel was sailing southward in the Red Sea, at a distance of 20 kilometres from the Egyptian town of Ghardaka and more than 50 kilometres from the Shadwan Island which has itself witnessed, on 22 January 1970, an earlier act of Israeli aggression. The vessel was hit, six members of its crew, all civilians, were wounded and the vessel had, later, to be tugged to shore.

In previous letters to and statements made before the Security Council, the United Arab Republic has drawn the attention of the Council to Israel's attacks on civilian targets, inflicting destruction and damage on civilian installations and buildings.

This Israeli attack on a civilian unarmed vessel is another manifestation of their violation of the elementary norms of international law. It marks another phase in their lawless conduct, the serious implications of which cannot but cause grave concern to the community of nations.

I have the honour to request that this letter be circulated as an official document of the Security Council.

(Signed) Mohamed H. EL-ZAYYAT
Permanent Representative of the
United Arab Republic
to the United Nations

DOCUMENT S/9638

Letter dated 5 February 1970 from the representative of Cambodia to the President of the Security Council

[Original: French]
[5 February 1970]

On instructions from my Government and further to my letter of 27 January 1970 [S/9625], I have the honour to bring the following to your attention for the information of the members of the Security Council.

On 11 December 1969, at about 4.10 p.m., a group of soldiers of the United States-South Viet-Nam forces entered Cambodian territory and seized and forcibly led away towards South Viet-Nam a Khmer inhabitant named Sao Ngath, who was travelling to the market at Prek Chak, situated some 300 metres inside the frontier in the commune of Russey Srok, district of Kompong Trach, province of Kampot. Mr. Sao Ngath is a teacher at the Ang Sdok pagoda school in the commune of Somlanh, district of Angkor Chey in the aforementioned province. The victim was released one hour later.

On 19 December 1969, at about 3 p.m., a helicopter of the United States-South Viet-Nam forces violated Cambodian air space and strafed the Khmer village of Prek Pork belonging to the commune of Thnar Thnong, district of Rumduol, in Svay Rieng. The firing damaged a house belonging to a villager named Kim Phath.

On 21 December 1969, at about 5.30 p.m., patrol boats of the United States-South Viet-Nam navy cruising in the Vinh Té canal directed several bursts of machine-gun fire at the Khmer village of Prey Tonle belonging to the commune of Thnot Chong Srang, district of Banteay Meas, in Kampot, seriously injuring an ox belonging to a villager named Sous-Ses.

On 28 December 1969, at about 4.30 p.m., five patrol boats of the United States-South Viet-Nam navy manœuvring on the Giang Thanh river fired automatic weapons on the Khmer village of Koh Thkau some 1,500 metres inside the frontier in the commune of Prek Kroeus, district of Kompong Trach, in Kampot. The attack killed a villager named Chhim Sao, aged 80 years.

On 29 December 1969, at about 8.20 a.m., two helicopters of the United States-South Viet-Nam forces, guided by a spotter aircraft, violated Cambodian air space and fired rockets on the pagoda of Rumdol Chas, situated some 1,500 metres inside the frontier, belonging to the commune of Samrong, district of Chantrea, in Svay Rieng, causing a fire in a temple of the pagoda.

During the night of 29/30 December 1969, at about 12.30 a.m., soldiers of the United States-South Viet-Nam forces from the Vinh Phu post fired several bursts from automatic weapons on the Khmer commune of Ta Or belonging to the district of Kirivong, in Takeo. The firing seriously wounded one Vang

Thun and killed an ox belonging to a local inhabitant named Chuop Phin.

On 30 December 1969, at about 4.35 a.m., five patrol boats of the United States-South Viet-Nam navy on a patrol along the Giang Thanh river fired several bursts from automatic weapons and ten mortar shells on the Khmer village of Koh Thnot, some 1,500 metres inside the frontier, in the commune of Prek Kroeus, district of Kompong Trach, in Kampot. The firing killed a cow belonging to a villager named Ngay Trang.

On 31 December 1969, at about 2.40 p.m., two patrol boats of the United States-South Viet-Nam navy on a patrol mission along the Giang Thanh river fired artillery shells on the Khmer village of Prey Prous, commune of Prek Kroeus, district of Kompong Trach, in Kampot, seriously wounding two boys, Khen Lay, aged 14, and Pok Sim, aged 15.

On 3 January 1970, at about 5 p.m., an armed junk coming from South Viet-Nam violated Cambodian territorial waters some 200 metres inside the marine boundary, between the islands of Koh Ses and Cone, off Ream, in Kampot. The Cambodian guards on the islands fired on the junk, which had refused to heed their warning. However, a few moments later, two escort vessels and three patrol boats of the United States-South Viet-Nam navy joined the junk, thereby violating Cambodian territorial waters again.

On 6 January 1970, at about 5.20 a.m., three helicopters of the United States-South Viet-Nam forces violated Cambodian air space and directed machine-gun and rocket fire on the Khmer village of Kopal Koeung, commune of Sampeou Poun, district of Koh Thom, in Kandal. The firing wounded five Khmer villagers, whose names are as follows: Neang Phas, aged 50; Neang Hcl-Mas, aged 55; Ly-Him, aged 60; So-Manh, aged 31; Sing-Khlaing, aged 18.

The Royal Government of Cambodia has filed a strong and indignant protest against these repeated violations of Cambodian air space, territory and territorial waters, followed by deliberate firing on Khmer villages, a pagoda and innocent inhabitants. It has called upon the Government of the United States of America to take immediate steps to indemnify the victims, make reparation for the damage caused and put an end to these criminal acts of aggression.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9639*

Letter dated 5 February 1970 from the representative of Syria to the Secretary-General

[Original: English/French]
[6 February 1970]

On instructions from my Government, I have the honour to state the following.

* Also circulated as a General Assembly document under the symbol A/7947.

The Israeli representative, in his letter of 30 January 1970 [S/9629], denied the ill-treatment of two Syrian pilots taken prisoner by Israel on 12 August 1968. His denial was based on the claim that the two

The Royal Cambodian Government has filed an energetic protest against these repeated violations of Cambodian territorial waters by Thai fishing junks and has called on the Government of Thailand to take appropriate steps to prevent the recurrence of such reprehensible acts.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) Huot Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9645

Letter dated 10 February 1970 from the representative of Cambodia to the President of the Security Council

[Original: French]
[11 February 1970]

On instructions from my Government and further to my letter of 5 February 1970 [S/9638], I have the honour to bring the following to your attention for the information of members of the Security Council.

On 2 January 1970, at approximately 1 p.m., a spotter aircraft of the United States-South Viet-Nameese forces violated Cambodian air space over the centre of Snuol and fired on a villager travelling by motorcycle who was carrying 50 scarfs. The villager in question was not hit, but all his scarfs were destroyed by the fire.

On 5 January 1970, at approximately 4 a.m., two patrol boats of the United States-South Viet-Nameese navy, sailing on the Giang Thanh river, fired eight mortar rounds at a point located some 1,500 metres inside the frontier, in the commune of Prek Kroeus, district of Kompong Trach, in the province of Kampot.

On the same day, from 9 to 9.30 a.m. and from 2.30 to 3.30 p.m., four helicopters of the United States-South Viet-Nameese forces violated Cambodian air space and strafed the area located some six kilometres east of Takok Phnong and some 20 kilometres inside the frontier, in the commune of Chip, district of Lomphat, in the province of Ratanakiri.

On 6 January 1970, at approximately 7.30 a.m., soldiers of the United States-South Viet-Nameese forces from the Dam Chit post fired automatic weapons and two mortar rounds at the Royal Khmer Police post of Prey Tonle, some 1,500 metres inside the frontier, in the commune of Thnot Chong Srang, district of Banteay Meas, in the province of Kampot, wounding a buffalo belonging to one Yin Horn, a guard at the aforementioned post.

On 7 January 1970, at approximately 12 noon, soldiers of the United States-South Viet-Nameese forces penetrated into Cambodian territory some 700 metres inside the frontier, in the commune of Prek Kroeus, district of Kompong Trach, in the province of Kampot, and arrested a Khmer villager named Yeth from the village of Koh Thnot, belonging to the same commune of Prek Kroeus, and led him away by force to South Viet-Nam. The captive was not released until later in the day.

On the same day, at approximately 4 p.m., a Khmer villager named Phlauk Chhin, aged 60, from the commune of Daung, district of Romeas Hek, in the province of Svay Rieng, was killed by the explosion of a booby-trapped grenade set by the United States-South Viet-Nameese forces near the frontier, in Khmer territory, in the aforementioned commune.

On the same day, at approximately 7 p.m., soldiers of the United States-South Viet-Nameese forces from the Khanh An post fired an artillery shell which fell some 500 metres inside the frontier in the commune of Prek Chrey, in the district of Koh Thom, in the province of Kandal, wounding the following three villagers: Chea Kim, aged 18; Le Van Moang, aged 12; and Vo Thi Hoang, aged 11.

On 8 January 1970, at approximately 7 a.m., soldiers of the United States-South Viet-Nameese forces from the Rach Cac post mortared a point some 800 metres inside the frontier, in the commune of Beng Sala, district of Kompong Trach, in the province of Kampot.

On the same day, at approximately the same time, aircraft of the aforesaid forces violated Cambodian air space and strafed the Khmer village of Moeun Dam, commune of Thnot Chong Srang, district of Banteay Meas, in the province of Kampot.

On the same day at approximately 9.30 a.m., soldiers of the aforesaid forces, moving along the frontier, fired on Khmer villagers who were harvesting a paddy some 600 metres inside the frontier, in the commune of Prasat, district of Chantrea, in the province of Svay Rieng.

On the same day, at approximately 3.30 p.m., soldiers of the aforesaid forces again fired with automatic weapons on the Royal Khmer Police post of Preah Trahing, belonging to the commune of Prek Kroeus, district of Kompong Trach, in the province of Kampot.

On the same day, at approximately 8 p.m., patrol boats of the United States-South Viet-Nameese navy, sailing on the Giang Thanh river, mortared the Royal Khmer Police post of Thnot Chong Srang, belonging to the district of Banteay Meas, in the province of Kampot.

On 9 January 1970, at approximately 4.30 p.m., three helicopters and a spotter aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and fired with machine-guns and rockets on a civilian truck transporting provisions for the Mondolkiri Department of Education on the road connecting Khsim with La Palkei, some 4,500 metres inside the frontier, between kilometre point 65 and the La Palkei cross-roads, in the commune of Sre Khtum, district of O Raing, in the province of Mondolkiri. The truck was damaged by the fire.

On the night of 9/10 January 1970, at approximately 10.45 p.m., soldiers of the United States-

South Viet-Nameese forces from the Kinh Thay Bang post fired three artillery shells which fell some 150 metres west of the Royal Khmer Police post of Prek Sbau, belonging to the commune of Sampeou Toun, a district of Koh Thom, in the province of Kandal.

Later the same night, at approximately 12 midnight, soldiers of the same forces again fired five artillery shells which fell some 60 metres to the north of the same post of Prek Sbau.

On 10 January 1970, at approximately 11 a.m., another villager, one Ten Nhanh, from the commune of Cheang Dek, district of Kompong Trabek, in the province of Prey Veng, was wounded by the explosion of a booby-trapped grenade set by the United States-South Viet-Nameese forces near the frontier, in Khmer territory, in the aforementioned commune of Cheang Dek.

On the same day, at about 4.30 p.m., two helicopters and a spotter aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and strafed a herd of cattle grazing some 3,000 metres inside the frontier, some 1,500 metres south-east of the La Palkei cross-roads, in the commune of Sre Khtum, district of O Raing, in the province of Mondolkiri. The fire seriously wounded two buffaloes belonging to a villager named Troul Lek.

On 11 January 1970, at approximately 8 a.m., soldiers of the United States-South Viet-Nameese forces from the Chum Tam post fired three artillery shells on Khmer territory some 500 metres inside the frontier, in the commune of Koh Sampeou, district of Peam Chor, in the province of Prey Veng. The explosion of those shells killed two buffaloes and wounded seven others belonging to the inhabitants of the locality.

The Royal Government of Cambodia has filed an energetic protest against these repeated violations of Cambodian air space and territory and this deliberate firing by United States-South Viet-Nameese forces on Khmer frontier areas, causing casualties among the peaceful, innocent inhabitants and the destruction of their property. It has called upon the Government of the United States of America to take immediate measures to indemnify the victims, make reparation for the damage caused and put an end to these criminal activities of its armed forces.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9646*

Letter dated 11 February 1970 from the representative of Israel to the Secretary-General

[Original: English]
[11 February 1970]

On instructions of my Government, I have the honour to refer to the letter addressed to you on 9 February 1970 by the Permanent Representative of Syria [S/9643], in reply to my letter of 2 February 1970 to the President of the Security Council [S/9634].

In my letter, I drew the Security Council's urgent attention to the intensification of Syrian aggression against Israel. I also pointed out that official Syrian spokesmen openly admit Syria's responsibility for initiating this campaign of aggression. A week later, the Syrian representative thought it advisable to go through the usual motion of shifting to Israel the responsibility for his Government's criminal behaviour.

On leaving for the recent Rabat conference, the Syrian Minister of Interior, Muhamad Rabah El Tawil, who headed his country's delegation, declared on 19 December 1969:

"The Syrian Arab Region's revolution has never doubted, before or after the 5 June aggression, that battle with the Zionist enemy is inevitable. We cannot win this battle by negotiation or political action.

"The Syrian Arab Region will participate in the Arab summit conference in Rabat on the basis that the conference will mobilize all Arab capabilities for the battle for the Arab nation's existence. We think there is no alternative to armed struggle.

"We think all Arab states participating in the conference must take the path of armed struggle. These States should place all their economic, political and

military capabilities in the service of that objective..."

On 26 January 1970, Mustafa Tlass, Chief of Staff of the Syrian armed forces, stated: "The way of armed struggle against the Zionist imperialistic provocation is the only one. The people insist that this is the way to achieve victory and liberate the occupied land."

On 2 February 1970, the Damascus Radio declared:

"Efforts... to make up Arab losses and rebuild combat ability have begun to pay off. This capability has now reached the standard needed to deal blows against the enemy and inflict painful losses. The Syrian front shall force the enemy to reconsider the bragging he has indulged in since the June war."

This is Syria's policy. It requires no further comment. It is translated into action through the continued initiation by Syrian regular forces of armed attacks against Israel and through the Syrian Government's active support for and participation in the terror warfare pursued by irregular forces. These attacks and Syrian responsibility for them are widely reported and constantly confirmed by government spokesmen in Damascus.

It is odd for the Syrian representative to assume that States Members of the United Nations and their representatives are unaware of the above facts.

I have the honour to request circulation of this letter as a General Assembly and Security Council document.

(Signed) Yosef TEKOAH
Permanent Representative of Israel
to the United Nations

* Also circulated as a General Assembly document under the symbol A/7950.

ANNEX VII

Excerpt from an article entitled "Jerusalem Economic Conference" in *The Israel Digest* (New York, 18 April 1968)

Mr. David Sussman of South Africa, the youngest speaker, stated: "We hope to invest freely in this Promised Land—or rather Land of Promise."

ANNEX VIII

Item from the *Jewish Chronicle* (London, 12 April 1968)

Professor Yigal Yadin, of Massada fame, has ended a two-week combined holiday and lecture tour of South Africa, during which he was everywhere acclaimed as a popular hero.

He went with the intention of giving three lectures on his Massada excavations and the Bar-Kochba caves in the Judean Hills; he was pressed to give five, but gave seven altogether—three in Johannesburg, two in Cape Town, where there was a "black market" in tickets, and one each in Durban and Port Elizabeth.

Professor Yadin, who was accompanied by Mrs. Yadin . . . received the degree of Doctor of Science from Witwatersrand University. The citation recorded the "University's esteem for the Hebrew University, the Land of the Bible and its people".

ANNEX IX

Article entitled "Rabbi raps Jews on apartheid" in the *New York Post* of 4 November 1963

Miami (AP)—A New Jersey Rabbi, who was expelled from South Africa for his views on *apartheid*, has criticized Jews "who benefit from the racial hell of South Africa".

Rabbi Andre Ungar, speaking in a local synagogue, said the racial situation in South Africa "makes Mississippi look like a Sunday school picnic".

Dr. Ungar in the late 1950s was Rabbi of Temple Israel in Port Elizabeth, which he termed "an island of bliss which I soon learned floated on a sea of calamity".

"South African Jews are squirming . . . and are embarrassed by the few college kids who talk of racial equality", Dr. Ungar said. "But the vast majority of the Jews benefit from the racial hell of South Africa. The majority of what is going on . . . they like the system and benefit from it."

ANNEX X

Extracts from the book *The Secret Battle for Israel* by Colonel Benjamin Kagan (New York, World Publishing Co., 1966)

The author, who was a Colonel in the Israeli Air Force, is introduced as follows:

"This is an account of one man's view of the culmination of the struggle that led to the establishment of the State of Israel. In particular, it is an account of the development of the Israeli Air Force. Colonel Benjamin Kagan, who played an important part in scavenging the world to collect the aircraft and parts that went to make up the early Israeli Air Force, is uniquely qualified to tell this story. At the end of the Second World War, he went back to Palestine and the Haganah. Today he lives in Israel, where he serves as an international vice-president for Rusco Industries, Inc., of Ohio."

From this book, it is evident that Zionist relations with South Africa were always cordial and friendly. Haganah's representative there recruited "volunteers" freely and without any obstacles from the Government. The Haganah in 1947-1948 had no more than a handful of pilots in its own forces, and South African pilots constituted the second largest group after the Americans (p. 39).

In late 1947, Boris Senior, son of a wealthy family and an ex-lieutenant in the South African Air Force, along with Cyril Katz, attempted and failed to ship 20 fighter planes by sea. Later, they flew two Bonanza commercial planes. After some reverses, Senior reached a Jewish settlement in the Negev. One South African pilot was shot down by Egyptian artillery in June 1948; another was lost, together with his plane, in the following month (p. 40).

Armaments, as well as volunteers, arrived from South Africa with the blessing and authorization of the officials of that country. During the 1948 war, planes were purchased from South Africa (p. 116).

ANNEX XI

Extracts from the book *Israel without Zionists* by Uri Avnery (New York, the Macmillan Company, 1968)

The author is a member of the Israeli Knesset. He is introduced in the book as follows:

"A teen-age member of the terrorist Irgun group, then as a soldier in the 1948 War of Liberation."

In chapter 8, entitled "Moshe Dayan: Lone wolf" (pp. 123-149), he writes:

"Thus, in the beginning of the war, no real command was given him. The high command, at long last, sent him on a rather undefined assignment to the Northern Front. There, as usual, he defied orders and acted on his own. Once he so outraged a local commander—one of the few foreign Jewish officers who had come as volunteers and held command posts in the new army—that Dayan was sentenced to be shot for insubordination. Only with great difficulty was this officer, a South African, convinced that this was not quite the way things were done in the 'Haganah' army." (p. 138).

DOCUMENT S/9651

Letter dated 18 February 1970 from the representative of Cambodia to the President of the Security Council

[Original: French]
[18 February 1970]

On instructions from my Government and further to my letter of 10 February 1970 [S/9645], I have the honour to bring the following to your attention for the information of members of the Security Council.

On 18 December 1969, aircraft of the United States-South Viet-Namese forces violated Cambodian air space and scattered chemical products over a frontier zone belonging to the commune of Tuk Thleak, district of Pichrada, in the province of Mondolkiri. These products, which have toxic and allergenic effects, caused the defoliation of trees and the death of a boy aged nine, son of one Chrek Borng and Neang An Duk Chhoy, and of an ox belonging to one Chrek Kev, an inhabitant of that place.

The Royal Government of Cambodia has filed an energetic protest against the renewal of these scatterings of toxic chemical products committed by the United States-South Viet-Nameese forces. It has called upon the Government of the United States of America to take immediate measures to indemnify the family of the victim, make reparation for the damage caused and put an end once and for all to this spreading of American defoliants over plantations of hevea, forest plants and other crops in the province of Kompong Cham.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) OR KOSALAK
*Deputy Permanent Representative of Cambodia
to the United Nations*

DOCUMENT S/9652

Letter dated 18 February 1970 from the representative of Cambodia to the President of the Security Council

[Original: French]
[18 February 1970]

On instructions from my Government and further to my letter of 10 February 1970 [S/9644], I have the honour to bring the following to your attention for the information of members of the Security Council.

On 11 January 1970, at approximately 3.45 p.m., a vessel of the Royal Khmer Navy on a sea patrol surprised a motor junk, with three Thai fishermen on board, engaged in clandestine fishing in Cambodian territorial waters opposite the island called Koh Noul, in Koh Kong. The junk refused to comply with a summons to surrender and attempted to escape, but it was hit by a further shot and the three members of the crew were captured. Their names are Phlam Ang, Chhay Them, and Dy Toy, and they are inhabitants of Changvath Trat, in Thailand.

The Royal Government of Cambodia has filed an energetic protest against this violation of Cambodian territorial waters by a Thai motor junk, followed by clandestine fishing. It has called upon the Royal Government of Thailand to take appropriate steps to prevent the recurrence of such reprehensible acts.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) OR KOSALAK
*Deputy Permanent Representative of Cambodia
to the United Nations*

DOCUMENT S/9653

Letter dated 18 February 1970 from the representative of Cambodia to the President of the Security Council

[Original: French]
[18 February 1970]

On instructions from my Government and further to my letter of 18 February 1970 [S/9651] I have the honour to bring the following to your attention for the information of members of the Security Council.

On 3 December 1969, at approximately 7.30 a.m., soldiers of the United States-South Viet-Nameese forces from the Cai Dau post known as Krach fired 50 artillery shells which fell to the east of the Prasat pagoda located in the commune of Prasat, district of Chantrea, in the province of Svay Rieng, destroying eight hectares of rice paddy belonging to the Khmer villagers named Prak Khun, So Phal, Tep Phuon and Kin Hoeun.

On 7 December 1969, soldiers of the same forces from the Duc Hue, Prey Chet and Hep Hoa posts

fired mortar shells on the above-mentioned commune of Prasat, destroying 10 hectares of rice paddy belonging to the villagers named Bou Miev, Sip Chhoeung, Ek Bang, Tep Leak, Tep Yim, Bou Bit, Tep Nit and Bou Saboeun.

On 8 January 1970, soldiers of the United States-South Viet-Nameese forces from the Trapeang Robang post penetrated into Cambodian territory, in the commune of Chan Moul, district of Mimot, in the province of Kompong Cham, where they arrested two Khmer villagers named Tes Sim, aged 30, and Men Nhim, aged 67, and led them away by force to South Viet-Nam. The captives were not released until 14 January 1970.

On 14 January 1970, at approximately 6.30 p.m., three helicopters of the United States-South Viet-

Nameuse forces, guided by three spotter aircraft, violated Cambodian air space and fired five rocket shells on a place located approximately 200 metres within the frontier, in the commune of Chambak, district of Svay Rieng, in the province of Svay Rieng.

On the night of 14/15 January 1970, at approximately 9 p.m., soldiers of the United States-South Viet-Nameuse forces from the Thanh Tri post fired three artillery shells on a place located approximately 700 metres within the frontier, in the commune of Thmei, district of Kompong Rau, in the province of Svay Rieng.

On 16 January 1970, at approximately 3 p.m., soldiers of the United States-South Viet-Nameuse forces shelled Cambodian territory 500 metres within the frontier, in the commune of ROUNG, district of Mimot, in Phkar Rumchek, wounding a boy aged 13 named Em Lean.

On the night of 16/17 January 1970, at approximately 8 p.m., soldiers of the United States-South Viet-Nameuse forces from the Kinh Thay Bang post fired 16 artillery shells on Khmer territory approximately 2,000 metres within the frontier, in the commune of Kraissaing, district of Koh Andet, in the province of Takeo.

On 17 January 1970, at approximately 9 a.m., soldiers of the same forces from the Chum Tam post fired six artillery shells on a place located approximately 300 metres within the frontier, in the commune of Koh Sampeou, district of Peam Chor, in the province of Prey Veng.

On the same day, at approximately 9.30 a.m., a spotter aircraft of the same forces violated Cambodian air space and fired two rocket shells at a place located approximately 500 metres within the frontier, in the commune of Koh Sampeou, district of Peam Chor, in the province of Prey Veng.

On 16 and 17 January 1970, from 2.30 to 3.15 p.m., six helicopters of the United States-South Viet-Nameuse forces, guided by a spotter aircraft, fired with rockets on the dwelling of Khmer villagers near the junction of La Palkei, belonging to the commune of Src Khtum, district of O Raing, in the province of Mondolkiri. These attacks caused fires in four houses belonging to the persons named Tol Pho, Ta Pan, Khlep Troeuk, and Rolang Yar, and damaged another belonging to one Koy Monh.

On 18 January 1970, at approximately 5 a.m., soldiers of the same forces fired mortar shells on Khmer territory approximately 200 metres within the frontier, in the commune of Chrak Motes, district of Svay Teap, in the province of Svay Rieng.

On the same day, at approximately the same time, soldiers of the United States-South Viet-Nameuse forces from the Thanh Tri post fired about 10 artillery shells at a place located approximately 2,000 metres within the frontier, in the commune of Thmei, district of Kompong Rau, in Svay Rieng. The explosion of those shells caused the following losses: two villagers named Preak Tak and Neang Kao Saem wounded; two buffaloes killed and one other wounded, all belonging to Neang Kao Saem.

On the same day, at approximately noon, soldiers of the same forces from the Kinh Thay Bang post fired nine artillery shells at the Bac Nam pagoda located in the village of Bac Nam, commune of Prek Tonlea, district of Koh Thom, in the province of Kandal, wounding a villager named Nhem Hem.

On the night of 18/19 January 1970, at approximately 9.20 p.m., two patrol boats of the United States-South Viet-Nameuse navy fired with automatic weapons on the Khmer village of Preah Trahing, approximately 500 metres within the frontier, in the commune of Prek Krocus, district of Kompong Trach, in the province of Kampot.

On the same night, at approximately 2 a.m., soldiers of the United States-South Viet-Nameuse forces from the Thanh Tri post fired two artillery shells on Khmer territory approximately 300 metres within the frontier, in the commune of Khset, district of Kompong Rau, in the province of Svay Rieng.

On 19 January 1970, from 5.30 to 6.15 p.m., units of the same forces from the Chum Tam post fired several artillery shells on the region of Koh Sampeou, belonging to the district of Peam Chor, in the province of Prey Veng.

On the night of 19/20 January 1970, at approximately 9.30 p.m., about 10 soldiers of the United States-South Viet-Nameuse forces penetrated into Cambodian territory and looted the house of one Yim Tong, known as Por, an inhabitant of the village of Prek Cham, commune of Prek Tonlea, district of Koh Thom, in the province of Kandal. When the alarm was given, Cambodian defence units immediately proceeded to the locality, forcing the marauders to withdraw to South Viet-Nam after an exchange of fire lasting a few minutes. Before withdrawing, the marauders seriously wounded the man named Yim Tong and took away with them a sum of 5,000 riels and some clothing belonging to him.

On the night of 22/23 January 1970, from 7 to 11 p.m., soldiers of the United States-South Viet-Nameuse forces from the Chum Tam post fired several artillery shells on the commune of Koh Sampeou, district of Peam Chor, in the province of Prey Veng. The shelling set a house on fire, damaged a sewing machine and killed an ox belonging to one Tran Van Neang, an inhabitant of the locality.

The Royal Government of Cambodia has filed an energetic protest against these repeated violations of Cambodian territory and air space and this criminal firing by United States-South Viet-Nameuse forces on the peaceful and innocent inhabitants of the Khmer frontier zones. It has called upon the Government of the United States of America to take immediate measures to indemnify the victims, make reparation for the damage caused and prevent the recurrence of such acts of aggression.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) OR KOSALAK

*Deputy Permanent Representative of Cambodia
to the United Nations*

On 18 November 1969, at about 0100 hours, while fishing off-shore at Haad Lek village, Amphur Klong Yai, Trad province, within Thai territorial waters, two Thai fishing boats were attacked, seized and led away by the Cambodians. One bearing the name *So Kit-charoen* and belonging to Nai Sombat Kulprakorpkit had a crew of six men on board. Three of them disappeared, the rest managed to get ashore. One of the survivors was seriously injured by gun-shots. There were five crewmen on board the other boat, *Sangwan Tong*, owned by Nang Sangwan Por Tong. As a result of the incident, two of them were believed to have been killed or held by the Cambodians; the other three were able to escape and returned safely.

The Royal Thai Government therefore lodges a strong protest against the above-mentioned acts of armed intrusion, attack, piracy, murder and lawlessness committed by Cambodian soldiers and other armed elements against Thai territory and innocent Thai villagers living in the border areas and their properties. It also wishes to call upon the Cambodian Government to take serious measures to put an end to such acts of criminal wantonness.

I should be obliged if you would circulate the text of this communication as a document of the Security Council.

(Signed) Anand PANYARACHUN
*Acting Permanent Representative of Thailand
to the United Nations*

DOCUMENT S/9667

Letter dated 25 February 1970 from the representative of Cyprus to the Secretary-General

[Original: English]
[25 February 1970]

With reference to the statement issued by the Soviet News Agency TASS on 18 February 1970, and circulated as a Security Council document in a letter addressed to you by the representative of the USSR [S/9655], I have the honour to inform you that on 18 February 1970, a spokesman of the Government of Cyprus, referring to the aforesaid TASS statement, said that:

"the Cyprus Government does not share the view that Greek officers are involved in any activities against the Republic of Cyprus, as alleged in the TASS statement."

Your Excellency is kindly requested to have this letter circulated as a document of the Security Council.

(Signed) Zenon ROSSIDES
*Permanent Representative of Cyprus
to the United Nations*

DOCUMENT S/9668

Letter dated 25 February 1970 from the representative of Cambodia to the President of the Security Council

[Original: French]
[26 February 1970]

On instructions from my Government and further to my letter of 18 February 1970 [S/9653], I have the honour to bring the following to your attention for the information of members of the Security Council.

On 22 and 23 December 1969, two fighter-bombers and five helicopters of the United States-South Viet-Nameese forces violated Cambodian air space and fired rockets on the commune of Chrey Thom, district of Koh Thom, in the province of Kandal, wounding a villager named Trung Sanh, known as Chong.

On 31 December 1969, an aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and strafed Cambodian villagers who were cutting straw in the commune of Dar, district of Mimot, in Phkar Rumchek, seriously wounding two of them, named Born Pa and Ros Lay, known as Khveng.

On 21 January 1970, at approximately 2 p.m., an aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and fired rockets at a herd of cattle grazing some 500 metres inside the frontier, in the commune of Samrong, district of Chantrea,

in the province of Svay Rieng, killing four buffaloes and wounding two others belonging to inhabitants of the area named Nguyen Thi Ngai, Nguyen Thi Vinh and Nguyen Van Toi.

On 24 January 1970, at approximately 10 a.m., patrol boats of the United States-South Viet-Nameese navy, sailing on the Giang Thanh river, fired five mortar rounds at our territory some 500 metres inside the frontier, in the commune of Koh Kok, district of Pram Chor, in the province of Prey Veng.

On the same day, at approximately 3 p.m., five helicopters of the United States-South Viet-Nameese forces violated Cambodian air space. Two of them landed some 2 km inside the frontier, in the commune of Thnot, district of Kompong Rau, in the province of Svay Rieng, and landed soldiers who seized and forcibly abducted two Cambodian villagers doing agricultural work there. Their names are Nov Pocun and Phan Phon, aged 18 and 19 years respectively. The victims were not released until the following day, 25 January 1970.

On the night of 24/25 January 1970, soldiers of the United States-South Viet-Nameese forces from the Giong Gang and Queo Ba posts shelled the Cambodian commune of Samrong, district of Chantrea, in the province of Svay Rieng.

On 25 January 1970, at approximately mid-day, four helicopters of the United States-South Viet-Nameese forces, led by a spotter aircraft, violated Cambodian air space, strafed and sprayed defoliants on the Cambodian villages of Pouchouloeu and Andaung Kraleng 10 km inside the frontier in the commune of O Raing, district of O Raing, in Mondolkiri. The defoliants had toxic effects on the inhabitants of the aforementioned villages, apparently causing headaches and vomiting.

On the same day, at approximately 2 p.m., two helicopters of the United States-South Viet-Nameese forces violated Cambodian air space and fired rockets at Cambodian territory about 1,500 metres inside the frontier, in the commune of Prasat, district of Chantrea, in the province of Svay Rieng, wounding a villager named Em Roeun.

On the same day, at approximately 6.30 p.m., a landing-craft of the United States-South Viet-Nameese navy, sailing on the Mekong River, fired three shells at Cambodian territory about 300 metres inside the frontier, in the commune of Koh Sampeou, district of Peam Chor, in the province of Prey Veng.

On the night of 25/26 January 1970, at approximately 8 p.m., soldiers of the United States-South Viet-Nameese forces from the Vinh Phu post fired four shells at Cambodian territory about 500 metres inside the frontier, in the commune of Ta Or, district of Kirivong, in the province of Takeo.

On 26 January 1970, at approximately 9.30 a.m., a spotter aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and strafed a tractor travelling along the Khsim-Mondolkiri road, at kilometre point 39, about 6 km from the frontier, in the commune of Sre Khtum, district of O Raing, in the province of Mondolkiri. The tractor was damaged in the strafing.

On 27 January 1970, at approximately 6.30 p.m., soldiers of the United States-Viet-Nameese forces from the Chum Tam post fired six shells at Cambodian territory about 500 metres inside the frontier, in the commune of Koh Kok, district of Peam Chor, in the province of Prey Veng, killing an ox belonging to an inhabitant of the area named Nguyen Van Boeung.

On the night of 27/28 January 1970, at approximately 8 p.m., soldiers of the United States-South Viet-Nameese forces from the Vinh Gia and Vinh Dien

posts fired automatic weapons and eight shells at the Royal Cambodian Police post of Thnot Chong Srang about 500 metres inside the frontier, in the commune of Thnot Chong Srang, district of Banteay Meas, in the province of Kampot.

On 28 January 1970, at approximately 7 p.m., a landing-craft of the United States-South Viet-Nameese Navy, sailing on the Mekong River, fired 115 shells at the Cambodian post at Koh Sampeou, in the district of Peam Chor, in the province of Prey Veng, causing damage to that post.

On 29 January 1970, at approximately 6.30 p.m., soldiers of the United States-South Viet-Nameese forces from the Giong Gang post fired seven shells at Cambodian territory about 1,500 metres inside the frontier in the commune of Prasat, district of Chantrea, in the province of Svay Rieng, damaging a house belonging to an inhabitant of the area named Ny Thon.

On 8 February 1970, at approximately 3 p.m., a helicopter of the United States-South Viet-Nameese forces violated Cambodian air space and fired rockets at the Cambodian village of Khann Seima, about 2,500 metres inside the frontier in the commune of Snuol, district of Snuol, in the province of Kratie, killing a villager named Kheng Nguon and setting fire to a house.

On the same day, at approximately 4 p.m., a helicopter of the United States-South Viet-Nameese forces again violated Cambodian air space and strafed a military jeep belonging to the Royal Cambodian Armed Forces on the Mimot-Snuol road about 7 km from the frontier, in the commune of Touloung, district of Mimot, in the province of Phkar Rumchek. The vehicle was damaged.

The Royal Government of Cambodia has lodged a strong and indignant protest against these repeated violations of Cambodian air space, followed by deliberate firing and spraying of defoliants on the peaceful and innocent inhabitants of the Cambodian frontier region and on their dwellings, which have been committed by the United States-South Viet-Nameese forces. It has called upon the Government of the United States of America to take immediate steps to indemnify the victims, make reparation for the damage caused and put an end to such acts of aggression once and for all.

I would be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) Huot Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9669

Letter dated 27 February 1970 from the representative of Israel to the Secretary-General

[Original: English]
[27 February 1970]

On instructions of my Government, I have the honour to refer to the letter addressed to you on 20 February 1970 by the representative of the Union of Soviet Socialist Republics [S/9657] recording a communiqué issued by the Soviet News Agency TASS on 16 February 1970.

That communiqué repeats the well-known language of Soviet identification with the belligerence of the

Arab States against Israel pursued in violation of the United Nations Charter. It extols Arab aggression and vilifies Israel in defending itself. It disparages Israel's policy aiming at the conclusion of peace agreements with the Arab Governments and exalts Soviet support for the Arab war of attrition and for rejecting the cease-fire as a policy "directed towards the restoration of peace".

DOCUMENT S/9679

Letter dated 4 March 1970 from the representative of Cambodia to the President of the Security Council

[Original: French]
[5 March 1970]

On instructions from my Government and further to my letter of 25 February 1970 [S/9668], I have the honour to bring the following to your attention for the information of members of the Security Council.

On 8 February 1970, at approximately 3.50 p.m., three helicopters of the United States-South Viet-Name forces violated Cambodian air space and fired rockets at two employees of the Kratie Plantation Company who were travelling by motorcycle along national route No. 7, some 5,000 metres inside the frontier, in the district of Snuol, in the province of Kratie. The strafing resulted in the instantaneous deaths of the two workmen, Mao Sakhan and Chum Suon, aged 29 and 30 years respectively, and in damage to their motorcycle and to the telephone lines.

On the same day, at approximately 4 p.m., another helicopter belonging to the same forces violated Cambodian air space and fired rockets at a lorry belonging to the Public Works Office, which was travelling along the Mimot-Snuol road, in the commune of Touloung, district of Mimot, in the province of Phkar Rumchek, instantaneously killing the driver of the lorry, Dy Luch, aged 25 years.

On 12 February 1970, at approximately 9 a.m., a helicopter of the United States-South Viet-Name

forces violated Cambodian air space and fired six rocket shells at the inhabitants of a locality known as Khmuor, some 4,500 metres inside the frontier, in the commune of Kravien, district of Mimot, in the province of Phkar Rumchek. The strafing resulted in the following losses: 3 dead and 24 injured among the inhabitants of the locality; 5 head of cattle killed and 1 injured; 4 dwellings damaged.

The Royal Government of Cambodia has lodged a strong and indignant protest against these criminal attacks on Khmer inhabitants of the frontier region, which have been committed by the United States-South Viet-Name forces. It has called upon the Government of the United States of America to take immediate steps to indemnify the victims fairly, make reparation for the damage caused and prevent a repetition of such acts of aggression, which are continually adding to the toll of death among the peaceful and innocent Khmer inhabitants and of destruction to their property.

I would be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9680

Letter dated 5 March 1970 from the representative of Israel to the President of the Security Council

[Original: English]
[5 March 1970]

On instructions of my Government I have the honour to request circulation of the enclosed statement made by the Minister for Foreign Affairs of Israel, Mr. Abba Eban, in the Knesset on 4 March 1970, as an official document of the Security Council.

(Signed) Yosef TEKOAH
Permanent Representative of Israel
to the United Nations

EXCERPTS FROM A STATEMENT MADE IN THE KNESSET
ON 4 MARCH 1970 BY MR. ABBA EBAN, MINISTER
FOR FOREIGN AFFAIRS OF ISRAEL

A campaign of pressure and intimidation is being organized with the aim of compelling Jews, ordinary people as well as men of renown, in the Soviet Union, among them the Chief Rabbi, to sign declarations against Israel Zionism. Memories of the darkest days of the Middle Ages are reawakened by these confessions and forced testimonials of present-day *marranos* who are compelled publicly to renounce their spiritual heritage and the cardinal principles of their national faith. . . .

Any account of events of the last few years within our region must take note of the decisive role the Soviet Government has taken in fanning the flames of war and preventing the advent of peace. For years, it built up and strengthened weapons arsenals in Arab States,

avowedly designed for attack upon Israel. In 1966 and 1967, it spread its protective wings over the extremist Syrian régime, which was then organizing terrorist activities on Israel soil; it encouraged Egypt to join the plot of blockade and siege; it disseminated unfounded accusations about alleged Israeli plans to capture Damascus. Thus the Soviet war policy was combined with violent aggressive impulses in the Arab capitals, and around Israel was created a ring of steel threatening it with extinction.

While Israel broke through this ring of siege and blockade, the Soviet Union planned its response in two directions: once again it is sending a flow of large quantities of the most lethal weapons into the arsenals of Cairo and Damascus, and it is carrying out a campaign of international political pressure against Israel, with the aim of re-creating the conditions that led to war once before and the re-creation of which would ensure another war.

To this day, this policy of the Soviet Government continues to constitute a major obstacle to peace. . . . The Soviet Union has doomed a proposal for a united international plea for the restoration of the cease-fire which is being violated and abrogated by Egypt. . . . It has made it clear, in theory and practice, that it is determined to bolster the military power of the Arab States. . . . It formulates proposals for a "political solution" which completely ignore the security require-

This latest unprovoked and premeditated Israeli act of aggression adds to Israel's heavy record of violations of the Lebanon-Israel Armistice Agreement and constitutes another defiance of United Nations resolutions and of international law and morality.

I respectfully request that this letter be circulated as a Security Council document.

(Signed) Edouard GHORRA
Permanent Representative of Lebanon
to the United Nations

DOCUMENT S/9686*

Letter dated 9 March 1970 from the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples addressed to the President of the Security Council

[Original: English/Spanish]
[9 March 1970]

I have the honour to send you herewith the text of a consensus²⁰ on the question of Southern Rhodesia adopted by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples at its 726th meeting, held on 9 March 1970, and to request you to transmit it to the members of the Security Council.

(Signed) Davidson S. H. W. NICOL
Chairman of the Special Committee on
the Situation with regard to the
Implementation of the Declaration
on the Granting of Independence to
Colonial Countries and Peoples

* Incorporating document S/9686/Corr.1, dated 12 March 1970.

²⁰ For the text of the consensus, see *Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 23, chap. V.*

DOCUMENT S/9688

Letter dated 9 March 1970 from the representative of Cambodia to the President of the Security Council

[Original: French]
[10 March 1970]

On instructions from my Government and further to my letter of 4 March 1970 [S/9679], I have the honour to bring the following to your attention for the information of the members of the Security Council.

On the night of 28/29 January 1970, at approximately 11.50 p.m., soldiers of the United States-South Viet-Nameese forces, landing from a patrol boat, entered Khmer territory at the village of Prey Prous, about 1,500 metres inside the frontier, in the commune of Prek Kroeus, district of Kompong Trach, Kampot, and led away two oxen belonging to two villagers named Khum Se and Neang Pech Nhim.

On 29 January 1970, at approximately 5 a.m., a patrol boat of the United States-South Viet-Nameese navy, sailing on the Vinh-Té canal, fired several mortar shells on the Prey Tonle post of the Royal Khmer Police, about 1,800 metres inside the frontier in the commune of Thnot Chong Srang, district of Banteay Meas, province of Kampot.

On 31 January 1970, at approximately 8 a.m., the soldiers of the United States-South Viet-Nameese forces from the Cai Muong post fired four artillery shells into Khmer territory, about 500 metres inside the frontier, in the commune of Koh Sampeou, district of Peam Chor, Prey Veng, wounding two inhabitants of the

locality named Nguyen Van Lieng and Ho Thi Binh, injuring an ox belonging to one Chung Van Neang, killing a hog and damaging a dwelling belonging to one Nguyen Van Yi.

On 1 February 1970, at approximately 8.35 a.m., two helicopters of the United States-South Viet-Nameese forces, guided by a spotter aircraft, violated Cambodian air space and opened machine-gun fire on the place known as O-Am situated in the village of La Palkei, commune of Sre Khtum, district of Keo Seima, in Mondolkiri.

On the same day, at about 4.25 p.m., a spotter aircraft of the United States-South Viet-Nameese forces violated Cambodian air space and fired on the Cambodian defence forces at Koh Rokar, in the district of Peam Chor, Prey Veng, wounding a private second class named Vor Phon.

On the night of 1/2 February 1970, at approximately 10 p.m., patrol boats of the United States-South Viet-Nameese navy, sailing on the Vinh-Té canal, fired three mortar shells on the commune of Prek Kroeus, about 500 metres inside the frontier, in the district of Kompong Trach, Kampot, wounding a village woman named Neang Dek Yen, aged 29.

On the night of 3/4 February 1970, at approximately 9.30 p.m., soldiers of the United States-South Viet-Nameese forces from the Co Dau Ha post fired an artillery shell on the Khmer commune of Bavet, about 1,000 metres inside the frontier, in the district of Svay Teap, Svay Rieng, seriously wounding a villager named Sek Tok, aged 30.

On 5 February 1970, at approximately 4.30 p.m., a barge belonging to the United States-South Viet-Nameese navy, sailing on the Mekong River, fired artillery shells on Khmer territory about 300 metres inside the frontier, in the commune of Koh Sampeou, district of Peam Chor, province of Prey Veng.

On the night of 5/6 February 1970, at approximately 11.20 p.m., soldiers of the United States-South Viet-Nameese forces from the Giong Gang post fired artillery on the Khmer commune of Khum Mesar Thngak, district of Chantrea, Svay Rieng.

On the night of 6/7 February 1970, a patrol boat of the United States-South Viet-Nameese navy, sailing on the Vinh-Té canal, fired automatic weapons on the Khmer village of Prey Tonle, about 1,500 metres inside the frontier, in the commune of Thnot Chong Srang, district of Banteay Meas, Kampot, killing a buffalo belonging to a villager named Sa Nhom.

On that same night, at approximately 8 p.m., three helicopters of the United States-South Viet-Nameese forces violated Cambodian air space and fired rockets on the commune of Som, 4,000 metres inside the frontier, in the district of Preah Bat Chean Chum, Takeo.

On 7 February 1970, at approximately 4.45 p.m., soldiers of the United States-South Viet-Nameese forces from the Giong Gang post fired 24 artillery shells on the Royal Khmer Police post of Koh Sampeou, belonging to the district of Peam Chor, province of Prey Veng, damaging the barracks of the post.

On 7 and 8 February 1970, aircraft of those same forces violated Cambodia's air space and fired on the Khmer commune of Snuol, about 500 metres inside the frontier, in the district of Snuol, province of Kratie.

On the night of 8/9 February 1970, at approximately 9.30 p.m., soldiers of the United States-South Viet-Nameese forces from the Vinh-Gia post fired 10 artillery shells into Cambodian territory, about 4,000 metres inside the frontier, in the commune of Som, district of Preah Bat Chean Chum, province of Takeo.

On 9 February 1970, at approximately 4.30 p.m., four jet aircraft of these same forces violated Cambodian air space and strafed Khmer territory about 10 kilometres to the north-east of Talao, in the district of Andaug Pech, province of Ratanakiri.

On the night of 9/10 February 1970, at approximately 2.30 a.m., soldiers of the United States-South Viet-Nameese forces from the Go Bac Chien post fired an artillery shell on the Cambodian commune of Thmei, about 500 metres inside the frontier, in the district of Kompong Rau, province of Svay Rieng. The explosion of this shell caused the following casualties: a villager named Thon Veng killed and four others—named Neang Reach Meas, aged 70, Neang Thon Yim, aged 16, Neang An Yim, aged 10, and Neang Meas Cheng, aged 6—wounded; two oxen belonging to one Thon Veng killed and two others belonging to the same owner injured, and a buffalo belonging to one Thon Ya injured; four dwellings belonging to Thon Ya, Sok Khlaing, Thon Bon and Thon Sok damaged.

The Royal Government of Cambodia has lodged a vigorous and indignant protest against these deliberate acts of aggression committed by the United States-South Viet-Nameese forces against Cambodia and the peaceful and innocent Khmer inhabitants of the frontier zone. It has called upon the Government of the United States of America to take immediate steps to indemnify the victims, make reparation for the damage caused, and put an end to these criminal acts of aggression.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9691

Letter dated 10 March 1970 from the representative of Israel to the President of the Security Council

[Original: English]
[10 March 1970]

I have the honour, on instructions of my Government to refer to the letter addressed to you on 7 March 1970 by the representative of Lebanon [S/9683].

The answer to the contentions in the Lebanese letter is to be found in my letters of 27 February 1970 [S/9670] and 4 March 1970 [S/9678] addressed to the President of the Security Council, in which I drew attention to the grave situation created by the intensification of aggression from Lebanese territory against Israel. I emphasized Lebanon's obligation to put an end to this aggression and to ensure the observance of the cease-fire. The Government of Lebanon, however, has not taken the necessary measures to terminate the violations of the cease-fire.

Since my last letter of 4 March 1970, additional armed attacks from Lebanon against the territory and

people of Israel occurred on 5, 6, 7, 8 and 9 March, resulting in casualties and damage.

It was after a long period of utmost restraint that Israel found it necessary to take action in self-defence on the night of 6/7 March.

World opinion has followed with great concern the daily reports from Lebanon, published by international media of information, on the growing entrenchment of terror organizations on Lebanese soil, the expansion of their operations, the co-operation between them and the Lebanese authorities and their incessant assaults against Israel. The Lebanese Government's attitude to these grave developments is reflected in repeated announcements by its leaders that warfare against Israel will continue and in the policy of disregarding the cease-fire.

of each of the 25 persons killed, the equivalent of \$150 to each of the eight persons seriously wounded, and the equivalent of \$100 to each of the other two persons wounded.

"In addition, the United States apologizes for the mistaken identification of the Cambodian convoy on 17 November with enemy firing positions. The United States Government expresses its special regret and apologies for the attack upon an ambulance,

the character of which the pilots concerned inadvertently failed to distinguish."

I have the honour to request that this letter be circulated as an official document of the Security Council.

(Signed) William B. BUFFUM
*Deputy Permanent Representative
of the United States of America
to the United Nations*

DOCUMENT S/9693

Telegram dated 9 March 1970 from the Secretary-General of the Organization of American States to the Secretary-General concerning the conclusion of the work of the Tenth Meeting of Consultation of Ministers of Foreign Affairs

[Original: Spanish]
[11 March 1970]

In accordance with Article 54 of the Charter of the United Nations, I have the honour to notify you, for the information of the Security Council, that the Tenth Meeting of Consultation of Ministers of Foreign Affairs (Situation in the Dominican Republic) declared its work completed on 6 March 1970. On the same date, at the closing meeting, the special delegates signed the final act.

(Signed) Galo PLAZA
*Secretary-General
Organization of American States*

DOCUMENT S/9694

Letter dated 10 March 1970 from the representative of Cambodia to the President of the Security Council

[Original: French]
[11 March 1970]

On instructions from my Government and further to my letter of 9 March 1970 [S/9688], I have the honour to inform you of the following for the information of the members of the Security Council.

During the night of 3/4 February 1970, at about 8.20 p.m., soldiers of the United States-South Viet-Nameese forces from the post at Kinh Thai Bang fired about 10 artillery shells into Cambodian territory at a point approximately 600 metres inside the frontier in the commune of Kompong Krassaing, district of Borei Chulsa, province of Takeo.

The shells destroyed a barracks of the Royal Khmer Police post at Kdol Chrum, causing the death of three inhabitants named Neang Sem Samuth, Neang Non Phat and Non Chamroeun, who were the wife and children of Non Chea, a police sergeant at the post, and wounding three other inhabitants named Neang Non Han and Non Chon (children of the sergeant referred to above) and Neang Chhang King.

The Royal Government of Cambodia has lodged a vigorous, indignant protest against this criminal attack committed by the United States-South Viet-Nameese forces against Khmer frontier areas. It has called upon the United States Government to take immediate steps to pay equitable compensation to the victims, to make good the damage which was caused and to put an end to such acts of aggression.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) Huot Sambath
*Permanent Representative of Cambodia
to the United Nations*

The action taken by the minority government of Rhodesia flagrantly contravenes the legitimate aspirations to freedom and independence of the Zimbabwe people, who represent the vast majority of the population of Southern Rhodesia, and is designed to perpetuate the colonialist oppression of that people and to legalize the racist régime.

The Socialist Republic of Romania consistently supports respect for the rights of each people to decide its own destiny in accordance with its interests and aspirations, and to choose freely its path of development, with no outside intervention, and considers that any act which ignores that right can have no legal effect. For this reason, the Romanian Government de-

clares that it does not recognize the so-called "republic of Rhodesia".

Loyal to the principles of its foreign policy, Romania endeavours, as it has in the past, to ensure the implementation of the resolutions and measures adopted by the General Assembly of the United Nations and by the Security Council aimed at putting an end to colonial domination and the policy of racial discrimination in Southern Rhodesia.

The Romanian people is in full solidarity with the just struggle of the Zimbabwe people to achieve national liberty and independence, in order that it can exercise unhindered its right to decide its own destiny, in accordance with its interests and aspirations.

DOCUMENT S/9706

Letter dated 16 March 1970 from the representative of Israel to the President of the Security Council

[Original: English]
[16 March 1970]

On instructions of my Government and further to my letters of 2 February to the President of the Security Council [S/9634], and 11 February 1970 to the Secretary-General [S/9646], I have the honour to draw your urgent attention to the fact that Syrian aggression against Israel is continuing. Armed attacks perpetrated from Syrian territory by regular and irregular forces, in violation of the cease-fire, have again been intensified in recent days causing loss of life and damage.

Since the beginning of this year there have been 148 Syrian acts of aggression. Mortars were used in 34 attacks, Katyusha rockets in 3, artillery and tanks in 9 and bazookas in 46. There were also 27 small-arms assaults, 11 mining raids, 8 sabotage incursions, 2 penetrations of air space and 8 armed clashes.

In the last four days these attacks resulted in the death of 3 Israeli soldiers and the wounding of 12.

The Syrian regular armed forces participated directly in a considerable number of these acts of aggression including military ambushes. In one of these ambushes on 11 March, a Syrian corporal was killed by the Israeli Defense Forces. His body was returned to Syria on 15 March through the International Red Cross. The attacks by irregular forces stationed on Syrian territory

are being carried out with the active support of the Syrian army.

The Syrian Government spokesmen have repeatedly confirmed the initiation of these attacks by Syria. This has been the case, for instance, in the Syrian army communiqués of 30 January, 31 January and 12 March 1970.

This warfare is pursued in accordance with the openly proclaimed Syrian policy of aggression. Thus on 8 March 1970 the President of Syria, Noureddine Atassi denounced as "very dangerous" any peaceful solution of the Middle East conflict. On 12 February the Syrian Minister for Foreign Affairs declared that Syria has supported and will continue to support Arab terror organizations with all the political, material and moral means at its disposal.

In view of these incessant attacks in flagrant violation of the cease-fire Israel is compelled to take self-defence measures to protect itself against Syrian aggression.

I have the honour to request that this letter be circulated as an official document of the Security Council.

(Signed) Yosef TEKOAH
Permanent Representative of Israel
to the United Nations

DOCUMENT S/9707

Letter dated 16 March 1970 from the representative of Cambodia to the President of the Security Council

[Original: French]
[16 March 1970]

On instructions from my Government, I have the honour to inform you and the members of the Security Council that, according to an inquiry made by the competent Cambodian authorities, Nou Dork, a soldier in the Cambodian defence forces who, on 28 October 1969, as I stated in my previous letter of 11 December 1969 [S/9558], was stopped and taken by force to the South Viet-Nameuse post at Cai-Vang by soldiers of the United States-South Viet-Nameuse forces, was stabbed to death by those soldiers.

The Royal Government of Cambodia has lodged a strong and indignant protest against this barbaric act committed by the United States-South Viet-Nameuse forces. It has requested the Government of the United States of America to take

immediate measures to find and punish those responsible and to make proper compensation to the family of the victim.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9708

Letter dated 16 March 1970 from the representative of Guyana to the President of the Security Council

[Original: English]
[17 March 1970]

On instructions from my Government, I have the honour to write to you by way of comment on the letter from the representative of Venezuela, circulated as Security Council document S/9681, dated 6 March 1970, in reply to my earlier letter of 24 February 1970 to the President of the Security Council, circulated as document S/9663.

First, it is significant that the representative of Venezuela, after a delay of 10 days, has found it possible merely to advance various unspecified allegations of hostile acts by Guyanese forces which are said to have been occurring since December 1969, but none of which has been mentioned by the Government of Venezuela prior to the acts of aggression complained of in my letter of 24 February 1970, not even in the course of bilateral diplomatic exchanges between the Governments of Guyana and Venezuela.

Second, it is strange and even more significant that the representative of Venezuela's letter of 6 March

1970 contains no specific denial whatever of Venezuelan responsibility for the acts of aggression detailed in my letter of 24 February 1970, but seeks instead to imply, without supporting evidence of any kind, that those acts were in response to a Guyanese initiative.

At this stage the Government of Guyana considers it necessary for steps to be taken, through appropriate international machinery, to ensure that incidents of the kind referred to in my letter of 24 February 1970 are not repeated and, to this end, intends to present to the Government of Venezuela proposals designed to maintain peace on the border between Guyana and Venezuela and to provide means for establishing responsibility in the event of any further breaches of the peace.

I should be grateful if the text of this letter could be circulated as a Security Council document.

(Signed) P. A. THOMPSON
Permanent Representative of Guyana
to the United Nations

DOCUMENT S/9709

Finland: draft resolution

[Original: English]
[17 March 1970]

The Security Council,

Reaffirming its resolutions 216 (1965) of 12 November 1965, 217 (1965) of 20 November 1965, 221 (1966) of 9 April 1966, 232 (1966) of 16 December 1966 and 253 (1968) of 29 May 1968,

Reaffirming that, to the extent not superseded in this resolution, the measures provided for in resolutions 217 (1965) of 20 November 1965, 232 (1966) of 16 December 1966 and 253 (1968) of 29 May 1968, as well as those initiated by States Members of the United Nations in implementation of those resolutions, shall continue in effect,

Taking into account the reports of the Committee established in pursuance of Security Council resolution 253 (1968),²¹

Noting with grave concern:

(a) That the measures so far taken have failed to bring the rebellion in Southern Rhodesia to an end,

(b) That some States, contrary to resolutions 232 (1966) and 253 (1968) of the Security Council and to their obligations under Article 25 of the Charter of the

United Nations, have failed to prevent trade with the illegal régime of Southern Rhodesia,

(c) That the Governments of the Republic of South Africa and Portugal have continued to give assistance to the illegal régime of Southern Rhodesia, thus helping it to sustain the effects of the measures decided upon by the Security Council,

(d) That the situation in Southern Rhodesia continues to deteriorate as a result of the introduction by the illegal régime of new measures, including the purported assumption of republican status, aimed at repressing the African people in violation of General Assembly resolution 1514 (XV) of 14 December 1960,

Recognizing the legitimacy of the struggle of the people of Southern Rhodesia to secure the enjoyment of their rights as set forth in the Charter and in conformity with the objectives of the General Assembly resolution 1514 (XV),

Reaffirming that the present situation in Southern Rhodesia constitutes a threat to international peace and security,

Acting under Chapter VII of the Charter,

1. Condemns the illegal proclamation of republican status of the Territory by the illegal régime in Southern Rhodesia;

²¹ Official Records of the Security Council, Twenty-third Year, Supplement for October, November and December 1968, document S/8954 and *ibid.*, Supplement for April, May and June 1969, document S/9252.

the entire length of the Israel-Lebanese border. The armed attacks and sabotage raids are taking place daily. Just as the Lebanese Government cannot acquit itself of responsibility for allowing these attacks to continue, so it cannot expect Israel to leave its territory and its citizens undefended. Israel will not acquiesce in armed attacks from Lebanon and will not leave the attackers and their bases immune from Israeli self-defence measures. Lebanon's complaints of such self-defence measures, as in the letter of 17 March 1970 from the representative of Lebanon to the President of the Security Council [S/9711], are unacceptable.

Israel's attitude found expression in the statement made by the Minister for Foreign Affairs of Israel on 8 March 1970 that "Israel is prepared to sign immediately a treaty of peace with Lebanon on the basis of the existing boundaries and irrespective of Lebanon's cultural and social structure and the nature of its internal régime". Lebanon's attitude was given expression on

16 March 1970 by its Minister of Information, who rejected peace with Israel and declared that Lebanon will continue to participate in the Arab aggression against Israel aiming at Israel's destruction as a sovereign State.

However, even in the absence of a readiness for peace with Israel, it is incumbent on Lebanon to abide by its obligations under the cease-fire established by the Security Council and accepted by the Government of Lebanon on 31 July 1967.²²

I have the honour to request that this letter be circulated as an official document of the Security Council.

(Signed) Yosef TEKOAH
Permanent Representative of Israel
to the United Nations

²² Ibid., Twenty-second Year, Supplement for July, August and September 1967, document S/8106.

DOCUMENT S/9723

Letter dated 26 March 1970 from the representative of the Union of Soviet Socialist Republics to the President of the Security Council

[Original: Russian]
[27 March 1970]

The Permanent Mission of the Union of Soviet Socialist Republics to the United Nations wishes to register a vigorous protest against the illegal circulation by you, in violation of the Charter of the United Nations and of the practice of the Security Council, of a letter dated 19 March 1970 from the representative of Israel [S/9718] on a matter which is wholly and entirely within the domestic jurisdiction of a State Member of the United Nations and which is not even remotely connected with either the question of the situation in the Near East or any other question being discussed in the Security Council.

I should be grateful if you would have this letter circulated as an official document of the Security Council.

(Signed) Y. MALIK
Permanent Representative of the
Union of Soviet Socialist Republics
to the United Nations

DOCUMENT S/9724

Letter dated 25 March 1970 from the representative of Cambodia to the President of the Security Council

[Original: French]
[27 March 1970]

On instructions from my Government and further to my letter of 10 March 1970 [S/9694], I have the honour to inform you of the following, for the information of the members of the Security Council:

On 12 February 1970, at approximately 8.30 a.m., troops of the United States-South Viet-Nameese armed forces from the post of Chum Tam fired some 100 artillery shells at the commune of Koh Sampeou, district of Peam Chor, Province of Prey Veng.

On 13 February 1970, at approximately 3.15 p.m., motor boats of the United States-South Viet-Nameese navy, operating in the Giang Thanh River, opened fire with automatic weapons and mortars on the Khmer village of Koh Kandal, situated some 1,500 metres inside the frontier, in the commune of Prek Kroeus, district of Kompong Trach, province of Kampot.

During the night of 13/14 February 1970, at approximately 1.30 a.m., six soldiers of the United States-South Viet-Nameese forces penetrated into Cambodian territory, in the commune of Prek Chrey, district of Koh Thom, in Kandal, and arrested and took to South Viet-Nam by force, an inhabitant of the area named Phou Ye Vang.

During the same night, at approximately 2 a.m., soldiers of the United States-South Viet-Nameese forces in the posts of Kaun Trom and Phnom Youn fired two artillery shells which fell within the perimeter of the Khmer customs post at Prek Chak, situated approximately 500 metres inside the frontier, in the commune of Rusey Srok, district of Kompong Trach, province of Kampot.

On 14 February 1970, at approximately 4 p.m., soldiers of the United States-South Viet-Nameese forces, on patrol along the frontier, opened fire with automatic weapons on the Khmer commune of Bavet, district of Svay Teap, in Svay Rieng, killing one cow belonging to Meas Chhin, an inhabitant of Bavet-Loeu.

The same day, at approximately 5.30 p.m., soldiers of the same armed forces from the post of Vinh Phu fired three artillery shells on the Khmer commune of Ta Or, some 500 metres inside the frontier, in the district of Kirivong, in Takeo.

On 16 February 1970, at approximately 8.30 p.m., troops of the same armed forces from Chau Doc fired eight artillery shells on the Khmer commune of Kompong Krassaing, some 1,000 metres inside the frontier, in the district of Borei Chulsar, in Takeo.

On 17 February 1970, at approximately 3.30 p.m., troops of the United States-South Viet-Nameese forces from the post of Khanh An fired several mortar shells on the Khmer village of Tuk Vil, commune of Prek Tonlea, district of Koh Thom, in Kandal, damaging one house belonging to an inhabitant of the area named Trac.

During the night of 18/19 February 1970, at approximately 10 p.m., troops of the same armed forces from the post of Giang Thanh fired several bursts with automatic weapons on the centre of Ton Hon, district of Banteay Meas, in Kampot.

On 19 February 1970, at approximately 5.15 p.m., troops of the United States-South Viet-Nameese armed forces of the post of Kinh Thay Bang fired several artillery shells on the Khmer village of Vaing Kéo, commune of Sampeou Poun, district of Koh Thom, province of Kandal, damaging the roof of the monk's quarters of the local pagoda.

On 21 February 1970, at approximately 7 a.m., soldiers of the same armed forces from the post at Long Binh opened fire with automatic weapons on the Khmer commune of Sampeou Poun, district of Koh Thom, in Kandal, wounding a local inhabitant named Dong Kan Duc.

On the same day, at approximately 9.30 a.m., troops of the same forces from the post of Chum Tam fired 12 artillery shells on the Khmer commune of Koh Sampeou, district of Peam Chor, in Prey Veng, damaging three houses and killing six pigs belonging to the local inhabitants.

During the morning of 21 February 1970, three helicopters of the United States-South Viet-Nameese armed forces violated Cambodian air space and machine-gunned the village of Skatum, commune of Cheam Kravien, district of Mimot, in Pkhar Rumchek, damaging four houses belonging to the local inhabitants.

On 21 and 23 February 1970, troops of the United States-South Viet-Nameese armed forces from the post of Kaun Trom fired some 20 artillery shells on the Khmer village of Koh Veng, commune of Beng Sala, district of Kompong Trach, province of Kampot.

On 22 February 1970, at approximately 5.15 p.m. motor boats of the United States-South Viet-Nameese navy, operating in the Vinh Té Canal, fired seven mortar shells on the Cambodian post of Prey Tonle in the commune of Thnot Chong Srang, district of Banteay Meas, in Kampot.

On 23 February 1970, at approximately 5.15 p.m., three motor boats of the same navy, operating in the Giang Thanh river, fired several bursts with automatic weapons on the Khmer village of Koh Thnot, commune of Prek Kroeus, district of Kompong Trach, province of Kampot.

The same day, at approximately 6.30 p.m., soldiers of the United States-South Viet-Nameese armed forces of the Chum Tam post fired three artillery shells into Khmer territory some 4,000 metres inside the frontier in the commune of Koh Kok, district of Peam Chor, province of Prey Veng.

The Royal Government of Cambodia has protested vigorously against these violations of Cambodian territory and air space and against the repeated and deliberate firing by the United States-South Viet-Nameese forces, which damages the property of the peaceful and innocent Khmer inhabitants. It has demanded that the Government of the United States of America should take appropriate measures to compensate the damage caused and to prevent the recurrence of such provocative and aggressive acts.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) HUOT Sambath
Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9725

Letter dated 25 March 1970 from the representative of Cambodia to the President of the Security Council

[Original: French]
[27 March 1970]

On the instructions of my Government and further to my letter of 18 February 1970 [S/9652], I have the honour to inform you of the following, for the information of members of the Security Council:

On 12 February 1970, at approximately 9.30 a.m., elements of the Cambodian Defence Forces from Bar Kampang clashed, while on patrol, with a group of armed Thais, estimated at some 20 persons, approximately 20 kilometres south-west of Preah Vihear and some 6 kilometres inside the frontier.

The intruders thereupon withdrew into Thai territory.

The Royal Government of Cambodia has protested strongly against this violation of Cambodian territory by armed Thai nationals and has demanded that

perpetrators were of another racial stock. The Government of Haiti must be alone among the community of nations in resorting to a confused policy of seeking to clothe any act of treasonable rebellion with racial immunity.

My Government utterly deplores and is seriously concerned by the attempt of the Government of Haiti to exploit the grave situation which prevails in Zimbabwe in furtherance of its lost cause of supporting the secessionist threat posed until recently to the sovereign independence and national unity of Nigeria. This

policy of subterfuge cannot succeed. It must be hoped that the Government of Haiti will learn soon enough to desist from this perfidious endeavour, as it ought also to abandon its discredited policy of unjustified hostility towards the Government and people of Nigeria.

May I request the circulation of this letter as an official document of the Security Council?

(Signed) E. O. OGBU
Permanent Representative of Nigeria
to the United Nations

DOCUMENT S/9732

Letter dated 31 March 1970 from the representative of France to the President of the Security Council

[Original: French]
[3 April 1970]

When draft resolution S/9709/Rev.1³ on the question of Rhodesia was put to the vote on 18 March 1970, the French delegation voted in favour of the text.

This affirmative vote, which was cast with a view to securing unanimity on a matter of particular concern to all the African countries, should not be construed as implying that France accepts the view that Article 41 of the Charter authorizes the Security Council to decide that Member States should refrain from recognizing as a State a political entity whose status is contested.

In clarifying this legal point, the French delegation would point out that the French Government has consistently refused to recognize the Salisbury authorities ever since the "Declaration of Independence" and, needless to say, has no intention of changing its position on this matter.

The French delegation would like this letter to be issued as a Security Council document.

(Signed) Claude CHAYET
Acting Permanent Representative of France
to the United Nations

³ Subsequently adopted as resolution 277 (1970).

DOCUMENT S/9733

Letter dated 3 April 1970 from the representative of Cambodia to the President of the Security Council

[Original: French]
[3 April 1970]

On instructions from my Government and further to my letter of 25 March 1970 [S/9724], I have the honour to bring the following to your attention for the information of the members of the Security Council:

On 17 February 1970, at approximately 2 p.m., three helicopters of the United States-South Viet-Nameese forces violated Cambodian air space and fired three rocket shells on the Khmer village of Teach Krom, commune of Cheam, district of Mimot, in Phkar Rum-chek.

During the night of 17/18 February, at approximately 2.30 a.m., helicopters of the aforesaid forces violated Cambodian air space and fired two rocket shells into Khmer territory, 2,500 metres inside the frontier, in the commune of Phnom Den, district of Preah Bat Cheam Chum, in Takeo.

On 21 February, at approximately 12 noon, four helicopters of the same forces violated Cambodian air space and opened fire with machine guns and rockets

in the region of Yok Bloque, belonging to the commune of Koh Nhek, district of Koh Nhek, in Mondul-kiri.

On 23 February, at approximately 5.15 p.m., two helicopters of the same forces violated Cambodian air space and fired rockets on the Khmer villages of Koh Thnot and Prek Samrong, belonging to the commune of Prek Kroeus, district of Kompong Trach, in Kampot.

During the night of 25/26 February, at approximately 12.15 a.m., troops of the United States-South Viet-Nameese forces from the post of Kinh Thay Bang fired six artillery shells into Khmer territory, some 600 metres inside the frontier, in the commune of Kompong Krassaing, district of Borei Chulsa, province of Takeo, destroying the monks' quarters of the local pagoda.

On 26 February, at approximately 7.30 p.m., troops from the aforesaid post of Kinh Thay Bang fired some 30 additional artillery shells on the village of Vaing Keo, belonging to the commune of Sampeou Poun, district of Koh Thom, province of Kandal.

The explosion of these shells damaged the dwellings belonging to the following villagers: Uong Suon, Neang Sieng, Tan Ouch, Neang Luch Ouch, Lin Eang, Neang Kheam Kam Chea, Neang Ny, Ly Khean, Neang Lann, Un Sarom, Dien Tong, Neang Heng and Neang Seng.

During the night of 26/27 February, at approximately 11.30 p.m., troops of the same forces from the post of Vinh Phu fired eight artillery shells on the village of Chea Plei, situated some 1,500 metres inside the frontier, in the commune of Ta Or, district of Kiri-vong, province of Takeo.

The explosion of these shells wounded three villagers named Heng Nork, Neang Seng Touch and Neang Chor Phoeun, two oxen belonging to Moul Soeng and Huon Pang, and a buffalo belonging to Sen Siv.

The Cambodian Government has lodged a vigorous protest against these repeated and deliberate attacks by the United States-South Viet-Nameese forces on the pagoda, the dwellings and the livestock of the peaceful and innocent Khmer inhabitants of the border areas. It has demanded that the Government of the United States of America should take immediate steps to indemnify the victims, compensate the damage caused and prevent the recurrence of such aggressive acts.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) Or KOSALAK
Deputy Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9734

Letter dated 3 April 1970 from the representative of Cambodia to the President of the Security Council

[Original: French]
[3 April 1970]

On instructions from my Government, I have the honour to inform you and the members of the Security Council that the Khmer National Armed Forces suffered the following losses as the result of attacks during the afternoon of 31 March 1970 by Viet-Cong and North Viet-Nameese troops in the Snuol region, province of Kratie, attacks already reported in my letter of 1 April 1970 [S/9730]: 1 captain killed; 13 wounded, including a lieutenant; 3 soldiers missing; 3 sub-machine guns and 1 rifle lost.

I would add that during the evening of the same day, at approximately 7.30 p.m., a Viet-Cong and North Viet-Nameese unit, estimated to be some 100 strong, attacked a Khmer defence post manned by mixed elements in the village of Kampot Touk, commune of Kokisom, district of Romduol, province of Svay Rieng, situated 2 kilometres inside the frontier and 19 kilometres from the centre of Svay Rieng.

The Khmer defenders of the post suffered the following losses: 2 armed villagers killed; 1 soldier wounded; 19 members of the national defence forces and one provincial guard reported missing; some weapons lost.

The Government of Cambodia wishes to warn international opinion once again of the gravity of this new murderous aggression by Viet-Cong and North Viet-Nameese troops against a Khmer post inside the territory of Cambodia, a neutral independent country and a Member of the United Nations.

I should be grateful if you would have the text of this communication circulated as a Security Council document.

(Signed) Or KOSALAK
Deputy Permanent Representative of Cambodia
to the United Nations

DOCUMENT S/9735

Letter dated 3 April 1970 from the representative of Iraq to the President of the Security Council

[Original: English]
[3 April 1970]

I have the honour to enclose herewith copy of the official statement issued by the Ministry for Foreign Affairs of Iraq on 16 March 1970 on the question of Southern Rhodesia. I should be grateful if you would arrange for this letter and the enclosed statement to be circulated as an official document of the Security Council.

(Signed) Adnan RAOUF
Acting Permanent Representative of Iraq
to the United Nations

TEXT OF THE STATEMENT

The Republic of Iraq considers the proclamation of the "Republican" régime by the illegal Government of the white racial minority in Rhodesia a flagrant violation of rights of the legal majority of the population, and a contempt of the concepts of international justice.

The Government of the Republic of Iraq has condemned, from the beginning, the unilateral declaration of independence of the white minority. It has also up-

PART 5

PART 5 IS THE SENATE ARMED SERVICES
COMMITTEE HEARINGS ON THE "BOMBING IN CAMBODIA."

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